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INVESTIGATION OF COMMUNIST ACTIVITIES
IN THE MILWAUKEE, WIS., AREA—Part 2

HEARINGS
BEFORE THE
COMMITTEE ON UN-AMERICAN ACTIVITIES
HOUSE OF REPRESENTATIVES
EIGHTY-FOURTH CONGRESS
FIRST SESSION

MARCH 29, 30, AND MAY 3, 1955

Printed for the use of the Committee on Un-American Activities
INCLUDING INDEX



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COMMITTEE ON UN-AMERICAN ACTIVITIES

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(The first part of the testimony of Michael J. Ondrejka, also heard on March 29, 1955, is printed in pt. 1 of this series.)

PUBLIC LAW 601, 79TH CONGRESS

The legislation under which the House Committee on Un-American Activities operates is Public Law 601, 79th Congress [1946], chapter 753, 2d session, which provides:

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, * * **

PART 2—RULES OF THE HOUSE OF REPRESENTATIVES

RULE X

SEC. 121. STANDING COMMITTEES

* * * * *

17. Committee on Un-American Activities, to consist of nine members.

RULE XI

POWERS AND DUTIES OF COMMITTEE

* * * * *

(q) (1) Committee on Un-American Activities.

(A) Un-American activities.

(2) The Committee on Un-American Activities, as a whole or by subcommittee, is authorized to make from time to time investigations of (i) the extent, character, and objects of un-American propaganda activities in the United States, (ii) the diffusion within the United States of subversive and un-American propaganda that is instigated from foreign countries or of a domestic origin and attacks the principle of the form of government as guaranteed by our Constitution, and (iii) all other questions in relation thereto that would aid Congress in any necessary remedial legislation.

The Committee on Un-American Activities shall report to the House (or to the Clerk of the House if the House is not in session) the results of any such investigation, together with such recommendations as it deems advisable.

For the purpose of any such investigation, the Committee on Un-American Activities, or any subcommittee thereof, is authorized to sit and act at such times and places within the United States, whether or not the House is sitting, has recessed, or has adjourned, to hold such hearings, to require the attendance of such witnesses and the production of such books, papers, and documents, and to take such testimony, as it deems necessary. Subpenas may be issued under the signature of the chairman of the committee or any subcommittee, or by any member designated by any such chairman, and may be served by any person designated by any such chairman or member.

RULES ADOPTED BY THE 84TH CONGRESS

House Resolution 5, January 5, 1955

* * * * *

RULE X

STANDING COMMITTEES

1. There shall be lected by the House, at the commencement of each Congress, the following standing committees:

* * * * *

(q) Committee on Un-American Activities, to consist of nine members.

* * * * *

RULE XI

POWERS AND DUTIES OF COMMITTEES

* * * * *

17. Committee on Un-American Activities.

(a) Un-American activities.

(b) The Committee on Un-American Activities, as a whole or by subcommittee, is authorized to make from time to time, investigations of (1) the extent, character, and objects of un-American propaganda activities in the United States, (2) the diffusion within the United States of subversive and un-American propaganda that is instigated from foreign countries or of a domestic origin and attacks the principle of the form of government as guaranteed by our Constitution, and (3) all other questions in relation thereto that would aid Congress in any necessary remedial legislation.

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INVESTIGATION OF COMMUNIST ACTIVITIES IN THE MILWAUKEE, WIS., AREA—PART 2

TUESDAY, MARCH 29, 1955

UNITED STATES HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE OF THE COMMITTEE
ON UN-AMERICAN ACTIVITIES,
Milwaukee, Wis.

PUBLIC HEARING

The Subcommittee of the Committee on Un-American Activities met, pursuant to recess, at 9:15 a. m., in the marble courtroom, Federal Building, Milwaukee, Wis., Hon. Clyde Doyle (chairman of the subcommittee) presiding.

Committee members present: Representatives Clyde Doyle (chairman), Edwin E. Willis, and Gordon H. Scherer.

Staff members present: Frank S. Tavenner, Jr., counsel, and W. Jackson Jones, staff investigator.

(At this point, the chairman of the subcommittee called the members to order and then proceeded with the testimony of Michael J. Ondrejka. This testimony is printed in part 1 of this series. The subcommittee recessed at 12 noon and then continued with the testimony printed herein at 1:30 p. m.)

AFTER RECESS

MR. DOYLE. The committee will reconvene and the record will show that all of the three members are present.

Proceed, Mr. Counsel.

MR. TAVENNER. Mr. Joe Preloznik, will you come forward, please?

MR. DOYLE. Will you please raise your right hand and be sworn? Do you solemnly swear to tell the truth, the whole truth and nothing but the truth, so help you God?

MR. PRELOZNIK. I do.

MR. DOYLE. Please be seated.

MR. TAVENNER. What is your name, please?

TESTIMONY OF JOSEPH FRANK PRELOZNIK

MR. PRELOZNIK. Joseph Frank Preloznik.

MR. TAVENNER. Would you spell your name, please, Mr. Preloznik?

MR. PRELOZNIK. P-r-e-l-o-z-n-i-k.

MR. TAVENNER. Where do you reside, Mr. Preloznik?

MR. PRELOZNIK. In Milwaukee.

MR. TAVENNER. How long have you lived in Milwaukee?

MR. PRELOZNIK. All my life with the exception of the time I spent in the Navy.

MR. TAVENNER. What is your present age?

Mr. PRELOZNIK. Twenty-nine.

Mr. TAVENNER. Will you tell the committee, please, briefly what your educational training has been?

Mr. PRELOZNIK. Eight years of grammar school, 3½ years of high, and 2½ years at Marquette University, in prelaw.

Mr. TAVENNER. When did you take your work at Marquette in prelaw?

Mr. PRELOZNIK. From the years 1950 to 1953. It wasn't continuous.

Mr. TAVENNER. Mr. Chairman, in calling this witness I have not done so with any thought or any belief or any information that this witness has ever been a member of the Communist Party, but I want to ask him the question under oath.

Have you ever been a member of the Communist Party?

Mr. PRELOZNIK. No; I definitely have not been a member of the Communist Party at any time.

Mr. TAVENNER. The reason for calling you, Mr. Preloznik, is that your name was brought before the committee in the last few minutes of the testimony of Mr. Ondrejka and I propose to have Mr. Ondrejka return to the witness stand after asking you a very few questions.

Mr. Ondrejka told the committee that he was called in and advised to get in touch with you and see that you ceased your studies at the labor school at Marquette University.

When were you attending the labor school there?

Mr. PRELOZNIK. I attended the Marquette Labor School, which holds evening sessions and is separate from the prelaw education which I was getting at Marquette from the period of 1950 to 1953. I didn't attend all of the sessions during those years, but off and on I was attending the labor school.

Mr. TAVENNER. What was your purpose in taking this course at Marquette University?

Mr. PRELOZNIK. The Marquette Labor School offered courses on bargaining agreements, procedure, parliamentary law, public speaking, all things which would be beneficial to someone who is in the labor movement and especially to one who is in the official capacity in a union.

Mr. TAVENNER. As a young man in your union were you endeavoring to take advantage of this opportunity to improve yourself along the lines that you have just mentioned?

Mr. PRELOZNIK. Yes; definitely so.

Mr. TAVENNER. Were you aware of any desire on the part of any of your associates in the field of labor that you should not attend that school?

Mr. PRELOZNIK. Yes; the international representative at that time, Phil Smith, raised objections to my attending the Marquette Labor School with the president of our local.

Mr. TAVENNER. Do you know what reason he gave, if any?

Mr. PRELOZNIK. The reasons were that the approach they have is strictly for business and it would do nothing to promote the labor interests that we had in our shop.

Mr. TAVENNER. How were you employed at the time that you were attending this labor school?

Mr. PRELOZNIK. Well, off and on I was working full time in the shop and other periods of that time I was working as financial secretary of the local and attending school under the GI bill.

Mr. TAVENNER. What shop was that?

Mr. PRELOZNIK. The Allen-Bradley Co.

Mr. TAVENNER. How long have you been employed at the Allen-Bradley Co.?

Mr. PRELOZNIK. I have continuous service at the Allen-Bradley Co. since 1946.

Mr. TAVENNER. During that entire time were you a member of the union in that shop?

Mr. PRELOZNIK. I was a member of that union from 1947 until 1953.

Mr. TAVENNER. Was that local 1111 of the United Electrical, Radio, and Machine Workers of America?

Mr. PRELOZNIK. Yes.

Mr. TAVENNER. Did you, during that period, rise to any position of leadership in your union?

Mr. PRELOZNIK. Yes, I was a steward, vice president and financial secretary of the local. I was also a delegate to the 11th district council which convenes 4 times annually and also a delegate to the convention on 3 separate occasions.

Mr. TAVENNER. You have told the committee that you were never a member of the Communist Party. I would like to ask you whether you attended any meetings, Communist Party meetings, which you knew were Communist Party meetings?

Mr. PRELOZNIK. No, I definitely did not.

Mr. TAVENNER. In light of your answers to these questions I am not going to ask you to speculate on who may have been members of the Communist Party and who were not, because of the fact that by your own testimony you have disqualified yourself from giving direct testimony on that subject; but I want to ask you whether or not you did, during the course of your membership in that union, come to the conclusion that there were Communists in that union?

Mr. PRELOZNIK. Yes. I felt that way although I had nothing to substantiate it, and that was one of my reasons for breaking; I felt that the organization was devoting more time to the political future and political ideologies than it was to the working conditions and to the needs of the people in the shop.

Mr. WILLIS. I do not want to cut in, but I want to follow you. You said "that was one of my reasons for breaking." What do you mean by that?

Mr. PRELOZNIK. One of my reasons that I resigned as financial secretary of the local.

Mr. SCHERER. You not only resigned as financial secretary, but you dropped your membership?

Mr. PRELOZNIK. No; I did not drop my membership.

Mr. SCHERER. Did you ever drop your membership?

Mr. PRELOZNIK. I didn't drop it. They dropped me. What we felt was that UE was not representing the people as it should be and we attempted to organize a CIO organization within the shop. When they discovered this aspect of it, they refused to accept my dues among others.

Mr. SCHERER. In what year were you expelled by the UE?

Mr. PRELOZNIK. That was in the fall of 1953.

Mr. SCHERER. Investigation by this committee proves that your assumptions were correct.

MR. TAVENNER. Will you tell the committee, please, whether in the early days of your work within that union you had the support of persons you later found out to be members of the Communist Party?

MR. PRELOZNIK. Yes; I had the support of people who have been named before this committee.

MR. TAVENNER. Did a time arrive when you felt there had been any change in attitude on their part toward you and your leadership in the union?

MR. PRELOZNIK. Yes, and that arose in 1952. I think it best to present an overall picture of UE, which at one time represented 500,000 workers and now represents less than 100,000. This characterized a weakness that was prevalent not only in our local but throughout the country, and consequently, our local wasn't able to bargain and negotiate in the manner that it had previously. We were never given complete details on the losses that UE had been taking, or the financial status of the union. We were always led to believe that our union was still growing and that it was in terrific financial condition.

Subsequently, I found out that these things were untrue; and what worried me in the shop was when the union was forced to make concessions that it never had in the past, and when I queried the officers or the international representatives on this situation I received no cooperation and no assistance. I didn't have the answers.

I was in a confused state primarily because I didn't have the facts that are being presented to the committee here about the Communist Party apparatus and how it has manipulated into organization and controlled it. Consequently, hindsight now gives me a much better view of what transpired then.

MR. TAVENNER. Were you opposed to any effort of control by the Communist Party of the activities of your union?

MR. PRELOZNIK. I was never in a position to know. At no time during my history with UE did I ever know of anyone in UE as being a party member.

MR. SCHERER. You just had strong suspicions from their conduct?

MR. PRELOZNIK. From their conduct.

MR. SCHERER. And the policies that they advocated insofar as the administration of union affairs?

MR. PRELOZNIK. That is correct.

MR. SCHERER. They followed the party line as you understood the party line?

MR. PRELOZNIK. Well, an illustration of that is when I attended a district council meeting in Chicago. The chief steward from one of the shops out there went to the Warsaw Peace Conference, or one of those trips abroad, and he also made a trip into Russia. He gave a completely one-sided picture and an illustration of that was that he was traveling in a Russian plane from Poland to Russia and he noticed that there were no safety belts, and he queried the stewardess about the fact that there were no safety belts. The stewardess gave him the reply that "This is made with the good, sound trade labor. It isn't made under the capitalistic system, and consequently, there is no room for imperfection in the mechanization of the plane, so there is no need for a safety belt."

Well, from that you can draw an assumption, but certainly nothing that you could fight tangibly with.

I was in the position where I resigned quietly because I did not have the facts with which to combat something like that.

Mr. SCHERER. Did anybody believe what he said?

Mr. PRELOZNIK. No, I was sort of nauseated with the comment and I made a comment to that effect to the president of the local, and he more or less agreed with me that it was a little ridiculous.

Mr. TAVENNER. That is all I have to ask this witness, Mr. Chairman.

Mr. DOYLE. Any questions, Mr. Willis?

Mr. WILLIS. No.

Mr. DOYLE. Have you any questions, Mr. Scherer?

Mr. SCHERER. No. Although this witness has been on the stand only a few minutes, I think he has contributed much by his testimony to the theme that I think our counsel is trying to develop in this hearing. I think he is to be congratulated for coming forward and testifying.

Mr. DOYLE. I agree with you and I had planned to do so on behalf of the committee.

Before I do that, very briefly may I say that your picture of the awareness of the Communist conspiracy trying to get control of labor unions wherever they could is the picture we have discovered all over the country. Right along with their policy in trying to infiltrate and get control of the labor unions is the fact that they place the interests of the Communist Party ahead of the union always. In other words, the Communist Party becomes dominant in the affairs of the union, not the union affairs ahead of the others.

Thank you very much and I want to compliment you on getting your education wherever and as fast as you can. You younger American men and women ought to take advantage of night classes in Marquette or any other university and get all the schooling you can. Your country deserves you as educated men and women. Thank you very much.

Mr. PRELOZNIK. You are welcome.

Mr. TAVENNER. Mr. Ondrejka, will you return to the stand, please?

TESTIMONY OF MICHAEL J. ONDREJKA—Resumed

Mr. TAVENNER. Mr. Ondrejka, you have told us about the efforts made to establish or at least the agreement to establish a cell of the Communist Party at the place where you were employed.

Immediately after that period, which I believe was in 1952—am I correct that that was in 1952?

Mr. ONDREJKA. That is correct.

Mr. TAVENNER. Were you assigned to any particular group of the Communist Party?

Mr. ONDREJKA. No, I was not, as I alluded to this morning. I worked in some of these front organizations. I was still active in Labor Youth League until it died of its own, and the same with Young Progressives of America. My contact was with the South Side division, Gerald Rose or also Jerry. The reason I was in such close contact with him was that in addition to being head of our South Side cell he was also head of the cell that my wife was in and also spent some time at our home.

Mr. TAVENNER. Did you say that the name was Gerald Rose?

Mr. ONDREJKA. I have always known him as Jerry, but in the telephone book it is Gerald.

Mr. TAVENNER. Jerry and Gerald are one and the same person?

Mr. ONDREJKA. That is correct, sir.

Mr. TAVENNER. Will you tell the committee, please, what your next assignment was to a Communist Party group or cell?

Mr. ONDREJKA. At the beginning of 1953 there were two things going on in the house simultaneously. I will probably finish with the first and then we can devote ourselves to this last problem.

That was the fact that at that time they had set up a series of classes on a party divisional level. Jerry Rose introduced me to the education director and introduced him to me as the name of Rudy.

Mr. TAVENNER. What was the last name?

Mr. ONDREJKA. Jerry Rose only introduced him as Rudy. He did not give a last name. From January 1953 possibly for a few months they had a small class in my home on Sunday mornings. That was a divisional level. Jerry was divisional leader of the South Side so possibly there was one from each division. There were 4 girls attending these classes on the divisional level.

Mr. TAVENNER. Will you give us the names of all the persons who attended this school on the divisional level as you spoke of it?

Mr. ONDREJKA. The ones that attended those classes were Lily Rody Ondrejka, Phyllis Waldman Berger who is the wife of Sid Berger, whom I testified to this morning, Evelyn Silverstine, who was the wife of Ted Silverstine, and Mary Lee Phillips whom I had not identified previously. For further edification she was one of the members of the West Allis women's group cell. Her husband, Jimmy Phillips, was an organizer who went underground in 1951.

Mr. TAVENNER. You mean an organizer of the Communist Party?

Mr. ONDREJKA. That is right, one of the organizers who went underground in 1951.

Mr. TAVENNER. How long did those classes last?

Mr. ONDREJKA. They went on over a period of several months. I know when they came in because I would have to watch my child so my wife could attend this class. I was in the kitchen. They were in the other room. I didn't hear all the classes which they were developing. I happened to run across one of their study outlines which I brought along today. That was study outline number 3 based on section 1 of the report to the Communist Party, Soviet Union by Malenkov. They would do their studying from pages 5 to 30 from the pamphlet, On the Threshold of Communism.

The reason they held these classes was they would come up with study points. In this there are 23. Those would be the basis on which the groups would have their discussion at the following meeting.

A typical point for discussion at the next meeting would be, "Summarize the Economic Trends in a peace camp led by the U. S. S. R. and the imperialistic camp led by the United States," or "Has the war economy been for prosperity, good times for the American people; in particular how do the American billionaires try to bribe the American people with war orders and so forth."

Another sample question: "What have been some of the aggressive acts not only in the case of arms but also in the United Nations by

the United States." This is the type of thing they set up at these meetings. This happens to be on of them.

Mr. DOYLE. Is there not any reference there to a study of the United States Constitution or any of the United States Government programs? Is there anything complimentary or directing the study of our own American form of government on any of this literature?

Mr. ONDREJKA. In all of the classes I was in I can definitely say it was the same procedure. It was continual praise of either the Eastern democracies or People's China, or the Chinese volunteers of North Korea, or the defense of the Koreans by themselves where the United States was always labeled as being imperialistic.

Mr. DOYLE. In any class which you attended, as in the Communist Party or the YPA or Labor Youth League, did you ever see anything in writing or hear any declaration orally made by any of the leaders urging the young people whom I assume were all American born to study about their own Government, to study the American Constitution, to support it?

Mr. ONDREJKA. The only reference that I could answer you with as to the American Constitution is when they insisted that the Government, the courts, the Congress and what have you were violating the Bill of Rights or the freedom of speech, or so on, insofar as it applied to a Communist. Other than that I have never heard anything constructive or in praise of this country. Everything has been a continual declaration against this country, where the evils were, without any effort to be constructive criticism. Like this film I showed you that the Bill of Rights is being violated but there was no study of our Constitution or principles or anything else.

Mr. WILLIS. Yesterday Mr. Eisenscher said that while he wouldn't expose and expound his views before this committee he would freely do so on the street corners, and he seemed to be advocating unbridled license without sanction.

Was there any discussion during those meetings that Mr. Eisenscher could have so expressed himself on the street corners of Moscow in favor of democracy and be free from sanction or criticism or arrest? Did they ever try to compare the two systems?

Mr. ONDREJKA. No, I have never heard such comparison. I would only like to add that as for my own sake it is a little sickening to see these people under the guise of something else to deny their communistic ties and then speak on the street corner under the guise of being Americans and fighting for something else, and at the same time they will speak before 700 people and say one thing and get them in front of a body where they are under oath and they don't have guts to say what they said on the corner, and they refuse to say that.

Mr. WILLIS. I think you have put your finger on it. To me it is not such a mark of bravery to appear before a committee of Congress and talk about not wanting to talk under compulsion or before a committee which is in itself a factual evidence of contempt. They have their own ideas about that. That is not so brave. That is good propaganda.

We seek cooperation from those people and I think they miss the point. I think they should quote just a little bit more of the truly great liberal Justice Holmes when he said quoting, I think, Voltaire: "Freedom of speech begins with your right to disagree but defending with your life your right to say." And I think Christianity itself im-

poses certain sanctions and not flaunting of licentiousness. We do have a right to impose laws on obscenity and I think it is obscene on the Constitution itself to see the performance of some of these witnesses before committees of Congress.

I feel that you want unbridled license and temerity to come before a committee of Congress and say "I refuse to testify before you but I reserve my right to lambast you on the street corner."

That is not bravery. That is destroying or trying to destroy the very Constitution that they seek to have protection under.

Mr. SCHERER. There is just one little difference. Here they are under oath and out on the street corner they do not face the penalty of perjury.

Mr. WILLIS. But you do not have to be under oath to be honest, and I think Mr. Eisenscher demonstrated that he was not completely frank when he invoked the fifth amendment, when at the same time he said he would not fear to express himself elsewhere, but he seeks the protection of fear against incrimination only when he appears before a committee of Congress.

That is not bravery, and it is less than honesty.

Mr. DOYLE. May I make one observation. Of course, I heartily agree with my distinguished colleague from Louisiana, Mr. Willis. I think what you said, Congressman Willis, is well illustrated by Mr. Eisenscher's conduct yesterday. He pleaded the amendment and then after I had dismissed him from subpoena he withdrew from his pocket that which he had several copies of all the time—a prepared statement for the press. He did not have the backbone to present that statement to this committee during the time he was testifying. It was full of lies and falsehoods and misrepresentations, and he knew it. He did not have the guts to produce it in public where we could question him about it.

That is the custom; that is the habitual custom of the Communists in this country.

For instance, one of the statements in there was that this committee was trying to destroy union labor, organized labor, and he knew it was a lie.

I am making this frank statement because I want this group in the courtroom, and I want him if he is here again, and any of his Communist friends in the room, and the students that are here from Marquette University—and I see several of them and I am glad they are here—to know that we would have welcomed yesterday a chance to have this man that we know to be a Communist present that statement to us and let us get a chance to answer it. He did not have the guts or the gumption to do it.

That is what you call freedom of the press and freedom of speech. He was afraid to produce it so we could answer it truthfully.

Proceed, Mr. Tavenner.

Mr. TAVENNER. Mr. Ondrejka, I notice that the 15th of the items for discussion in this study outline is compare the policies of the Soviet Union and the United States toward the countries defeated in World War II.

May I ask you as to this and the other topics here which you may not have actually heard discussed in this meeting, whether or not it was the practice in the Communist Party to handle subjects of this kind in

such a way as to reflect upon the foreign policy of the United States, but always support the Communist policy of the Soviet Union?

Mr. ONDREJKA. There is absolutely no question about that. Every country in Eastern Europe was now a democracy and in our classes, in our pamphlets and everything else, like especially after China went over to the communistic side, there were pamphlets; the Turnabout in China was one sold in the bookstore.

The eastern countries in Europe were now democracies. They would compare to what they had before and to the western countries, but the eastern countries were always set up as a good example of what democracy is.

Mr. TAVENNER. I notice that the 21st point is that Victor Perlo, an economist, estimated that a program for peace could immediately provide jobs. Do you know Victor Perlo?

Mr. ONDREJKA. I do not, sir.

Mr. TAVENNER. Has he to your knowledge been before any Communist Party group in this area?

Mr. ONDREJKA. I could not say, sir. Not to my knowledge.

Mr. TAVENNER. Victor Perlo is the head of what was known as the Perlo group of the underground in the city of Washington back in about 1934 which group has been brought to light and exposed by the work of this committee.

Mr. ONDREJKA. In line with what you have just said the only other thing that I have picked up at the house is the official Communist Party publication for Wisconsin known as the Viewpoint. You are speaking of what that would provide. It says "Peace dollars versus war dollars." They say so many million dollars will buy one bomber or so many homes; so many destroyers or so many old-age pensions. That is in line with what we said this morning about changing our viewpoints regarding disarmament.

The other point is this thing Mr. Scherer alluded to yesterday in regard to the Rosenbergs and how they use an incident like that to knock down your own country. They speak there:

Julius and Ethel Rosenberg stand as real working-class heroes, among the bravest and noblest people of all time. They scorned to become perjurers under threat of death, and died unflinchingly and unafraid. They live on in the hearts of all decent people, whose faith in humanity is stronger by the example of their principled courage.

In every nation hatred of American imperialism now reaches a new pitch as the big-business rulers of the United States reenact the crimes of Hitler. And here in America this new deadly threat to our civil liberties * * *

That is the type of thing we got in these publications. This is the official publication of the Communist Party.

Mr. DOYLE. What is the date of that publication?

Mr. ONDREJKA. July 1953, sir, issued by the Communist Party of Wisconsin.

Mr. DOYLE. That is pretty recent.

Mr. SCHERER. Of course, they completely ignored the record in the Rosenberg case.

Mr. TAVENNER. Mr. Chairman, I wish to offer in evidence the study outline No. 3 produced by the witness and ask that it be marked "Ondrejka Exhibit No. 2," for identification purposes only, and to be made a part of the committee files.

Mr. DOYLE. It is so ordered.

Mr. TAVENNER. I also offer the bulletin entitled "Viewpoint," the July 1953 issue, and ask that it be marked "Ondrejka Exhibit No. 3," for identification purposes only, and to be made a part of the committee files.

Mr. DOYLE. It is so ordered.

Mr. ONDREJKA. The thing I have not mentioned are the names of the West Allis Women's Club. The members of that cell were Bernice Edelstine, who was chairman of that cell; Lily Rody Ondrejka; Betty Trokan, and Mary Lee Phillips. So that would bring us now to January 1 of 1953.

At that time the South Side division leader of the Communist Party, Jerry Rose, came to my home, took my dues for 1953 and told me that I was about to be assigned to another active group. He told me that the person that was going to contact me was Agnes Slater. There was no contact made until February 20 or February 22 of 1953 at which time I was told to be at the home of John and Gloria Killian that morning.

Mr. TAVENNER. Do you recall now how you received that information?

Mr. ONDREJKA. I think I received the information from Jerry Rose himself.

Mr. DOYLE. What day of the week was that?

Mr. ONDREJKA. It was a week day. I don't remember exactly what day it was.

Mr. DOYLE. Were you not working on the job?

Mr. ONDREJKA. I was, sir. I had many meetings that were going to follow. I went immediately from work in the morning, but as to the actual date it wouldn't matter because I worked 11 to 7 every night.

At this meeting there was John Killian, Gloria Killian, Agnes Slater, myself, Jerry Rose, and Ted Silverstine in his capacity as youth coordinator of the party.

Jerry Rose did the speaking at this meeting. He mentioned the fact that both John Killian and I were doing creditable jobs in Allen-Bradley plant. At this time we both were stewards, and he felt that there had to be a coordination of our activities in the plant, and therefore, at this meeting we had set up a cell.

Mr. TAVENNER. Is that not the same thing that Mr. Killian had told you quite some months before?

Mr. ONDREJKA. A year previous; that is correct, sir. He told us at that time that he and Ted were not to be members of that cell. He was the South Side division leader, but in addition to the 4 of us, John Killian, Gloria Killian, Agnes Slater, and myself, there was a fifth whom he was not going to disclose at that time, and on February 20 or 22 of 1953 was the formal organization of the Allen-Bradley cell. The prior year any activities at the Allen-Bradley plant would be gotten straight from Jerry Rose by word of mouth.

One thing, for instance, where Jerry Rose came to my home to discuss a matter with me is this: I had decided in 1952 that for the 1953 election it was time that there be some opposition within the union because the people weren't voting, and because the very same man ran for president unopposed except for one time. I had attempted to get Joseph Preloznik, the man that just testified before me, to run for president of the union, and I had told the union president that if

Joe wasn't going to run, I would run for the purpose of having some opposition to create interest in the election.

At that time in 1952 Jerry Rose came to my house, took me for a ride, which is very common—we often discussed things while riding in his car—and told me that it would be wrong for me to run against Herman Kenny. He did not bring up the question of the non-Communist affidavit. He felt that it would have to raise issues—the only way to run a campaign was to create issues. That is the type of activity between the South Side division and the union at that time.

At that time we had an Allen-Bradley cell composed of these 4 plus the unannounced fifth.

In February and March of 1953 I had conducted a tax service in local 1111 union office. It was while I was doing this tax service during the noon hours that one of the employees of local 1111 would come out to my table where I was doing the tax work. As this person ate lunch I would be questioned as to various phases, such as the Korean war. I would be brought into that subject and asked who I thought was responsible, and I immediately surmised that it was the series of questions in regard to my reliability as a party member, so I know at that time was the first report I had ever made about this particular person as being suspected of being the fifth Communist in our group.

Around March 1 of 1953 Jerry Rose, who was not an employee of the Allen-Bradley Co., who was in no way connected with local 1111 but who is the South Side division leader of the Communist Party, walked into that office without knocking, and when he came in I was sitting there and looked up and it was as though I slapped him across the face as he recoiled and immediately composed himself and asked if this person was in the union office. He sat with this person at the union office for about 15 minutes and he left.

In April 15 of 1953, give or take a couple of days, at a cell meeting we were told by John Killian, who was the chairman of my cell that he had discussed the matter with Jerry Rose and I believe the bundle of the special edition of the May Day Daily Worker that we were to take was 100 and the reason why he would have discussed this with Jerry Rose was this: When we set up this cell all activity was to funnel down from Jerry Rose to the chairman of the cell. He was to meet weekly with the South Side division leader in order to prepare an agenda which was a written agenda.

On this particular occasion we had decided to send a copy of the special edition, the May 1 edition of the Daily Worker, or the May Day edition of the Daily Worker to all the stewards. At that time we chipped in, the paper itself was paid for out of funds from the group, the Allen-Bradley cell, but the postage was to be made up by members of the group. I paid my postage that morning.

At the end of this meeting I had told John Killian that I would be glad to sit there the rest of the morning with him, that we might go through a telephone directory and get the names of the stewards so that we would have a mailing list to send them to. He said, "that isn't necessary because I will go to the union office and get them from one certain individual." He said to me, "In case you didn't know it this individual is the fifth member of our cell," and he asked if I was surprised; and the reason I remember is because he asked that question and I said, "No, I suspected it the day Jerry Rose was in the office."

Mr. TAVENNER. The person whose name he gave you as being the undisclosed member of your cell was actually the person that Rose had visited in the union office?

Mr. ONDREJKA. That is correct, sir.

Mr. TAVENNER. You have not mentioned the name of that individual?

Mr. ONDREJKA. I do not mention this person's name because of the fact that I was told by Jerry Rose at the first meeting it was an undisclosed fifth. I was told by John Killian who the member was but because of the fact that this member worked on days while we held our meetings at 8 o'clock in the morning, John Killian said that he would take the agenda which was written, plus the discussion notes that resulted from the meeting and he would go down early in the afternoon before work and brief this individual on it.

Now, I distinctly remember many times where the following week Agnes Slater was dropped from our group because of the fact that now this individual was a formal member that I knew of.

Mr. TAVENNER. Is that the undisclosed person?

Mr. ONDREJKA. So we dropped Agnes Slater to keep it in a group of four, and at subsequent meetings we would discuss who was present. He would say his wife had to go somewhere, she wouldn't be there and this undisclosed person could not be there. I would say Gloria Killian absent for such and such, undisclosed person cannot be there because of work. That is the way I wrote my reports.

Mr. TAVENNER. And the reason you are not giving that name is that the only way you can identify that individual is through hearsay testimony of John Killian?

Mr. ONDREJKA. And Jerry Rose. I had given you the name and you had said you preferred to take it up in executive session whereby this undisclosed person can answer in that hearing rather than publicly.

Mr. TAVENNER. Have you given this information to the staff?

Mr. ONDREJKA. I have, sir. As to this May Day meeting, at the subsequent meeting of our cell I had again attempted to help them along because for one thing I wanted to know the name of who the Daily Worker was going to, the special edition, and I had asked if I could help type the plain wrappers because they never sent the May Day edition so you could see the sides. It was put in a plain wrapper and the name was put on.

He said "There is no need for you to help because Gloria can whip those out in a few minutes with the list." Whether he had a list or not that was what he told me.

Mr. TAVENNER. You have no knowledge of your own that they were actually mailed?

Mr. ONDREJKA. I do not, sir. The only thing I know is that at that time, same period of time, my wife's cell also had a special edition of the Worker May Day edition and I mailed hers for her, but I don't know what became of the money we put in for postage or who John Killian sent those to.

Mr. TAVENNER. Back at the time of the organization of this particular cell of the party, I am not sure that you told us who was chosen as the chairman.

Mr. ONDREJKA. I am sorry. John Killian was chosen as the chairman and Gloria was the other officer because it would be far easier for them to get together.

Mr. TAVENNER. John Killian and his wife?

Mr. ONDREJKA. That is correct, sir. Anyway, until May there actually wasn't too much activity and then, of course, we were involved in contract negotiations. There was trouble. In the contract negotiations we didn't know if there was going to be a strike or not, and at the time we held a series of meetings, many of the meetings being between John Killian and myself at his home because Gloria at that time I think started to work and Agnes had been dropped from our organization, and of course the undisclosed one couldn't be there.

The type of thing to do was, for instance at that time it was decided that the way to get control of the union was not through the officers itself but to have a committee set up. What they had attempted to do was to have many committees, legislative committee, educational committee, welfare committee and so on within the union itself. It was our job to get on as many committees as possible. John Killian immediately got on the legislative committee and as head of each committee was one of the members of the executive board of local 1111.

At this particular meeting John told me the method he had used and how they had gotten around the member of the executive board who was Dody Marino. She was not connected with the Communist Party. She was an executive board member and head of the legislative committee. He became head of that committee and the people on the committee didn't come, so actually it operated as a committee of one who was John Killian.

He also told me how he went to Madison with James De Witt or Jimmy De Witt, whom I named earlier as not a Communist but as a labor representative. He said Dody got tired of waiting so she went back to Milwaukee on the bus, so he and De Witt went in to represent the local on the matter. It didn't matter if no one came to the meetings.

He was to gain control of the committee and the policy of the Communist Party was to be carried out on that level rather than on an upper level.

Some of the other things that happened there is that I now refer to not a meeting at John Killian's home but a meeting at my home. This meeting again was attended by the youth coordinator of the party, Ted Silverstine, as well as the South Side division leader, Jerry Rose.

Mr. TAVENNER. What group was this?

Mr. ONDREJKA. This was the Allen-Bradley cell once again. They came to my house, and there were many things under discussion, one of which was that the youth coordinator of the party insisted that simultaneous with our cell that they operate a labor youth league and his reasons for having the same were as follows.

Mr. TAVENNER. That doesn't mean a youth group league of the Communist Party?

Mr. ONDREJKA. At this time you know the Labor Youth League had taken over the duties of the youth of the party, but at the same time did not carry that banner of the Communist Party. At that time John and I were in a series of discussions to set up a young group within the

local itself, more or less on the order of a social group, but to get them more active in unionism which was the good end in itself because the younger people didn't care about the unions, didn't attend meetings or anything else.

But Ted Silverstine, the youth coordinator of the party activities of the youth said at that time, if that is all you are interested in is getting people active in the union without teaching them communism, you are wasting your time. That was the party reaction as far as how much interest they had in labor.

At that time I insisted that the time was not ripe for a Labor Youth League there because at that time the Labor Youth League was declared subversive by the Attorney General's Office, but I was overruled and it was decided that there was to be a labor youth league.

The second part of this meeting concerned the same individual that testified just before I did, Joe Preloznik. Joe Preloznik was already out as financial secretary and he had transferred from the day shift to the night shift. At that time I was having a lot of contact with him, and both John Killian and Jerry Rose made it quite clear that they were slightly alarmed by the situation, and that it was now my duty to go into that shop and publicly repudiate Preloznik in any shape or manner whatsoever. They told me in no uncertain terms what the party reaction was toward Joe Preloznik, the fact that they had much information to denounce him; they swore at him at that meeting, the same man that they had helped some years before. They said he was an FBI agent because of the fact that he was approached by the FBI, which he immediately related to his union president and made no secret of the fact that he was visited by them.

They insisted that he was an FBI man and I had to lay off of him as far as social contact. I told them at that time that I thought they were wrong. I would not repudiate the contract, and we left the meeting with nothing accomplished because I refused to go into the shop and smear this man.

During the following period not only did Jerry Rose work on me regarding this Preloznik matter, but he would go to my home and visit my wife after 11 at night and tell her what her responsibilities were regarding my shop.

Once you have something like that starting in a shop, you have the whole Communist Party involved also. He spent from that time on until I was out of the party telling my wife to work on me, what her obligation was to break up such a contact with a CIO man.

I knew from that time that it was the beginning of the end as far as I was concerned with the Allen-Bradley and that association.

We still held meetings. I did attend a CIO steelworkers' meeting in possibly August of 1953.

Now, I knew it was going to cause trouble because of the dissension in the shop. I thought that the CIO was going to take that plant. I was told on a Monday morning if I wanted to attend that meeting that night to observe the thing.

I did attend that meeting but I left myself one out. That is the fact that before I went to the meeting I told my wife I was going to the meeting, why I was going, to protect the interests of the Communist Party, that if the other group came in John Killian would still be in the UE and I would have a finger on Joe in the other situation.

It so happened that the movement to break the UE was crushed, but the day after I had attended this meeting Jerry Rose came scooting up to my house very anxiously about the situation, and I explained to him why I had gone there. I brought my wife into the room to explain that I had told her about it, that it wasn't done as a secret, and from that time on until November I was engaged in a series of discussions with the South Side division leader, Jerry Rose, whereby he was attempting to show me what party line thinking was on matters like that.

One of the meetings was held at my home, one was held at the Mitchell Street coffee shop. Several of them were held in his car.

I had held the position and I knew I couldn't switch it at that time because there was a lot of dissension in the union. People were aware of the fact that it was a Communist union. I could not see why the Communist Party could not operate as effectively in some other union that the people wanted than in the UE.

At the time, he told me that, "it was contrary to party thinking, it was independent thinking because the UE is our union." That is a direct statement by him. and, "if you are critical of the leadership," he said, "so is the party critical of the leadership in this plant, but it is the duty of John Killian and yourself to set up such a broad base on the bottom level that it would not matter who were the officers of the union."

And at that time he cited to me a perfect example of how, when Communists use proper thinking, follow party line thinking on labor, that works out; and he cited to me the example of Ford's local 600 in Detroit. He had told me that at that time Reuther and his labor-breaking raiding bunch went into the Ford local, pulled out the leadership and put in their own administrative body.

Mr. TAVENNER. I might say that that was just a day or two after the completion of our hearings with reference to local 600.

Mr. ONDREJKA. I did not know that, sir, but I know that happened. But he said, and these are the words of Jerry Rose: "In spite of Reuther's attempt to split that union because of the fact that there was good party line foundation on the bottom levels," that he was, "completely ineffective and they held the same power they held before that time."

These discussions continued until November. I could not possibly turn on the man because I knew my effectiveness as an FBI agent was long since over. I took it on the basis that I was not changing my viewpoint on the matter, so on one particular morning in November we went for a long ride and went through all this again.

I told him that he may be right, but in my own mind I thought I was right.

He told me they felt they had no choice but to drop me from the party. At that very morning when I was dropped, he said, "Mike, there is no question about security that you could possibly be an FBI agent," which is certainly reasonable in view of my own family connection, but he said, "we cannot tolerate such independent thinking on the part of any member."

He told me that I was to go back into the shop. I was to introduce the steward that would replace me, take him to the members, tell the members that I made a mistake, that the UE was the only union.

Secondly, I was to do a public repudiation of Joe Preloznik and on that basis they would determine whether I got into the party.

I was not going to repudiate an innocent man and that was the end of my activities, other than because of my family relationship I was still able to gather information for the FBI, but certainly not on the same basis as before.

Mr. TAVENNER. That ends your work in the Communist Party?

Mr. ONDREJKA. That is correct, sir.

Mr. TAVENNER. When did it first become known publicly that you had been in the Communist Party for the Federal Bureau of Investigation?

Mr. ONDREJKA. On November 17 or 18 of 1954.

Mr. TAVENNER. Was that at the time that you were presented as a witness?

Mr. ONDREJKA. No; it was not, sir. It was 2 months before that. It was at that time that I was presented with a summons and complaint for a civil action here in Milwaukee, that being my wife's divorce action.

Mr. TAVENNER. Had you told her of your activity?

Mr. ONDREJKA. That is correct, sir. When I was filed with the papers I called up for counsel to the proper body, and that night I told her of my activity and the fact that I would have no choice but to counterclaim with an allegation, as the allegation now is.

Mr. TAVENNER. We do not want to go into that.

Mr. ONDREJKA. She was aware of it, and at that time I gave it to the parties that are interested in breaking up the Red conspiracy at Allen-Bradley.

Mr. TAVENNER. Mr. Chairman, I have no further questions.

Mr. DOYLE. Any questions, Congressman Willis?

Mr. WILLIS. I have no questions.

Mr. DOYLE. Mr. Scherer?

Mr. SCHERER. I have no questions.

Mr. DOYLE. May I ask the witness this question: I have never discussed it with you. I have no idea of what your answer is going to be, sir.

Under Public Law 601, which you have heard me mention briefly, this committee is charged with going into all questions with reference to possible remedial legislation in this field of subversive activities. I am asking you frankly to give us the benefit publicly of any thoughts you may have as to the functioning of this sort of a committee by the United States Congress.

You have been here for 2 or 3 days working with our investigators to a certain extent; you have been questioned by our distinguished counsel and by us.

Have you any suggestion to make in the field of legislation or congressional procedures for the benefit of your own country?

Mr. ONDREJKA. I would like to say this, sir. Certainly I am no expert on the matter, but I do have one opinion and that is this: I believe that the Internal Security Control Act of 1950 whereby Communists will have to register as Communists—it is my opinion that when these people have to go out into the shop regardless of what position they hold, steward, officer, and anything else, and it is disclosed that they are Communists, they are going nowhere because the average American is not going to take that stuff knowingly.

It is easy enough for them to address 700 or 5,000 people at a meeting and deny that they are a Communist, that they are just good liberals. Then when this law becomes effective they are going to disclose what they are and people will know.

As far as I am concerned, between the Smith Act and the Internal Security Control Act we have good legislation except for the fact that the one act has to be tested in the Supreme Court.

In regard to the congressional committee, I have never appeared before one and as far as my treatment is concerned, I was glad that I could appear under oath and certainly my treatment has been fine.

May I say one thing under oath? There has been a lot of rumor, and it is part of this Communist attempt to discredit. There have been a lot of other attempts through their leaflets. I am not concerned with those, but there has been the underhanded way of saying "Did Mike receive a \$2,000 bribe for coming out in the open publicly." If somebody would ask that question if I received a \$2,000 bribe I would appreciate it now.

Mr. DOYLE. I will ask you now.

Mr. ONDREJKA. You are asking me the question and I now state under oath, that the only amount of money ever received was 6 days lost pay for the time I testified in the Federal case in Chicago, and any attempt by any other person to make it \$2,000, \$2,500 or \$1,000 or \$500 is nothing but an attempt to discredit me, and I say let that man come under oath and state where he got that information.

Mr. DOYLE. I am going to ask you one more question. I think yesterday a couple of those witnesses may have had you in mind, Mr. Eggleston; possibly they had him in mind, too. Both these men whom we believe the record shows to be Communists pleaded the fifth amendment, too, which is their privilege provided they did it in good faith and necessarily; which we do not think they did.

What is your motive? Why did you, as a young American, turn against the Communist Party? Why did you go into the association with the FBI and expose the Communist conspiracy?

Mr. ONDREJKA. I went in because of the fact at that time when the FBI agents talked to me they mentioned the need for someone with the type of background I had that they felt could easily work himself into the party. I know that once I was in, there was no question, and having lived the type of life I have lived, in the close personal contact because I have lived communism day in and day out it was nothing to sit down at our table and brag about the fact that the North Koreans were driving our troops out of Korea.

I can see now where it was one of the wisest decisions I ever made.

Mr. DOYLE. Have you any other questions?

Mr. WILLIS. Yes, I would like to ask one question, and you brought it out yourself. You said that you have been testifying under oath which, of course, is true. With no implications whatsoever, especially the rumblings that you talked about and the accusations that might be hurled upon you because of your action in going to the FBI and testifying here today, I ask you this question: You know that you are under oath and you know the rules of being under oath, do you not?

Mr. ONDREJKA. I certainly do.

Mr. WILLIS. You have made some accusations and you have detailed those accusations and you have given time, place, circumstance, names, occasions, homes, clubs, and elsewhere identifying and naming these

people. I understand that some of them may be in the audience or may be called upon to testify here.

Now, I say, realizing as you do that if you have lied you are subject to perjury, that I think it is a grand opportunity for those people whom you have named to come forward and denounce you and let us and the courts decide who is telling the truth. Are you willing?

Mr. ONDREJKA. I welcome the opportunity for those that have denounced me in these past months to take the stand and say that it is a lie.

Mr. WILLIS. I will say if they are clean and they do not, they are missing a good chance.

Mr. DOYLE. Thank you, Mr. Ondrejka. As chairman of this committee I want to say that if there are any of you folks in this room who have been named by this gentleman as a Communist, we will give you the opportunity to come forward promptly to deny it. Of course, you are going to have to submit yourself to cross-examination. We would not give you that opportunity and have you turn around and plead the fifth amendment.

In other words, if any person within the hearing of my voice or otherwise wants to come forward in good faith and face the committee and give us a chance to question him about a denial, if he makes it, of this young man's testimony or any other witness' testimony we will not be like Mr. Eisenscher. We will open the book and let the facts fall where they belong.

I want to thank you, young man, for your cooperation with your own Nation. You have rendered a great service. I hope you will place your native ability, which is very manifest, in the interests of our country as contra-distinguished from the Communist conspiracy and totalitarian form of government.

Mr. ONDREJKA. I thank you.

Mr. DOYLE. Mr. Tavenner, your next witness?

(Witness excused.)

Mr. TAVENNER. Mr. John J. Killian.

Mr. DOYLE. Mr. Killian, will you please raise your right hand? Do you solemnly swear to tell the truth, the whole truth and nothing but the truth, so help you God?

Mr. KILLIAN. I do.

Mr. DOYLE. Please be seated.

TESTIMONY OF JOHN J. KILLIAN, ACCOMPANIED BY COUNSEL, M. MICHAEL ESSIN

Mr. TAVENNER. What is your name, please?

Mr. KILLIAN. John J. Killian.

Mr. TAVENNER. It is noted that you are accompanied by counsel. Will counsel please identify himself?

Mr. ESSIN. Counsel for Mr. Killian is M. Michael Essin, attorney, 623 North Second Street, Milwaukee 3, Wis.

Mr. TAVENNER. When and where were you born, Mr. Killian?

Mr. KILLIAN. I was born in Milwaukee, Wis., on October 15, 1925.

Mr. TAVENNER. Where do you now reside?

Mr. KILLIAN. I now reside in Milwaukee.

Mr. TAVENNER. Have you lived in Milwaukee all your life?

Mr. KILLIAN. Except for my years of military service in the United States Army and for the time when I was a student at the University of Wisconsin Law School in Madison, I have always resided in Milwaukee.

Mr. TAVENNER. When were you in the United States Army?

Mr. KILLIAN. I was in the United States Army from April 1944 until June of 1946.

Mr. TAVENNER. Is there anything about your service you desire to tell the committee?

Mr. KILLIAN. No, sir; except that I was very glad to serve my country and I learned a great deal, especially from my overseas service of some 18, 19 months.

Mr. TAVENNER. Will you tell the committee, please, what your educational training has been?

Mr. KILLIAN. I attended parochial grammar school in Milwaukee, public school, and I attended 3 years prelaw training at the University of Wisconsin in Milwaukee, and I attended for 2 years the law school of the University of Wisconsin in Madison.

Mr. TAVENNER. When did you terminate your work in the law school at Madison?

Mr. KILLIAN. In August of 1950, to the best of my recollection. I attended the summer session and I don't recall exactly when the term ended.

Mr. TAVENNER. Do you recall whether on the campus at Madison there was an organization known as the Young Progressives of America?

(Witness conferred with counsel.)

Mr. KILLIAN. Sir, I cannot be compelled to testify against myself. I invoke the fifth amendment.

Mr. DOYLE. I direct you to answer that question, please.

Mr. KILLIAN. Same answer, sir.

Mr. WILLIS. Young man, I do not know you and we seek cooperation. You could do us and yourself and your country a lot of good if you were frank with us and answered these questions. I think you would be put in a better light in your own community. Do you not want to reconsider that question?

Mr. KILLIAN. Same answer, sir.

Mr. TAVENNER. After completing your legal training at Madison, Wis., did you return to Milwaukee?

Mr. KILLIAN. Yes, I did, sir.

Mr. TAVENNER. In what business did you engage on your return?

(Witness conferred with counsel.)

Mr. KILLIAN. Sir, I would like to point out that you made a misstatement inadvertently. I did not complete my legal training.

Mr. TAVENNER. I believe you used the word "terminate," however, maybe we misunderstood you.

Mr. KILLIAN. When I returned to Milwaukee in September of 1950 I was unemployed and looking, seeking employment for a period.

Mr. TAVENNER. For how long a period were you seeking employment?

Mr. KILLIAN. To the best of my recollection perhaps a month.

Mr. TAVENNER. Then what employment did you obtain?

Mr. KILLIAN. I was hired by Briggs & Stratton Corp. as a stock-room worker.

Mr. TAVENNER. How long were you employed by that organization?

Mr. KILLIAN. To the best of my knowledge about 9, 10 months, sir.

Mr. TAVENNER. That would bring you up into the year 1951, I believe?

Mr. KILLIAN. It would, sir; close to it.

Mr. TAVENNER. What was your next employment?

Mr. KILLIAN. My next employment, I believe, was with the Seaman Body Division of the Nash-Kelvinator Corp.

Mr. TAVENNER. How long were you employed by that company?

Mr. KILLIAN. Approximately 3½, 4 months when I was laid off.

Mr. TAVENNER. What was the reason for that; do you know?

Mr. KILLIAN. I was laid off, sir. There was a cutback in employment.

Mr. TAVENNER. What was your next employment?

Mr. KILLIAN. I was unemployed for a period.

Mr. TAVENNER. How long a period?

Mr. KILLIAN. I don't recall exactly, a matter of weeks and the next place I was employed was at the City Services Oil Co.'s warehouse.

Mr. TAVENNER. How long were you employed by City Service?

Mr. KILLIAN. A matter of perhaps 5 or 6 weeks.

Mr. TAVENNER. What was your next employment?

Mr. KILLIAN. I was again without employment for a period; a very short period, and my next employment was with the Badger Paint Corp.

Mr. TAVENNER. How long were you employed by that company?

Mr. KILLIAN. Two or three weeks to the best of my recollection.

Mr. TAVENNER. What was your next employment?

Mr. KILLIAN. My next employment was with the Allen-Bradley Corp.

Mr. TAVENNER. When did that employment begin?

Mr. KILLIAN. September of 1951.

Mr. TAVENNER. Are you still employed by Allen-Bradley?

Mr. KILLIAN. I am, sir.

Mr. TAVENNER. What has been the nature of your duties there?

Mr. KILLIAN. I am engaged in the fabrication and assembly of metal enclosures for the switches which are made there.

Mr. TAVENNER. Do you know whether Allen-Bradley engages in defense work for the United States Government?

Mr. KILLIAN. Not to my knowledge, sir.

Mr. TAVENNER. Since September 1951 when your employment began at Allen-Bradley, have you been a member of the union which had bargaining rights at that plant?

Mr. KILLIAN. Yes, I have, sir.

Mr. TAVENNER. What is that union?

(Witness conferred with counsel.)

Mr. KILLIAN. The union is local 1111, UE.

Mr. TAVENNER. Had you belonged to that union prior to your employment at Allen-Bradley?

(Witness conferred with counsel.)

Mr. KILLIAN. No, sir; it is impossible.

Mr. TAVENNER. Were you elevated to any position within your union?

(Witness conferred with counsel.)

Mr. KILLIAN. Sir, I cannot be compelled to testify against myself. I invoke the fifth amendment.

Mr. DOYLE. May I ask would it incriminate you, in your judgment if you told the truth as to whether or not you became an officer of your union?

Mr. KILLIAN. Same answer, same reason, sir.

Mr. SCHERER. He has already opened the door. He said he was a member.

Mr. DOYLE. I direct you to answer the question.

Mr. KILLIAN. Same answer, sir.

Mr. SCHERER. The witness is clearly in contempt, Mr. Chairman.

Mr. DOYLE. We will let the record speak.

Mr. TAVENNER. I hand you a photostatic copy of a document and ask you to examine it, please, and state to the committee what it is? (Document handed to witness.)

(Witness confers with counsel.)

Mr. KILLIAN. Sir, this purports to be an affidavit of a non-Communist union officer.

Mr. TAVENNER. What was the date on which the oath was taken in that affidavit?

Mr. KILLIAN. I quote from the document, sir: "Ninth day of December 1952."

Mr. TAVENNER. What office was it for which the affiant prepared the affidavit?

(Witness confers with counsel.)

Mr. KILLIAN. Sir, I am reading from the document and it does not appear that any specific office was indicated.

Mr. TAVENNER. I think that is correct. Will you read the body of the affidavit into the record?

Mr. KILLIAN. I now read, and quote from the document. Do you wish me to begin?

The undersigned, being duly sworn, deposes and says:

1. I am a responsible officer of the union named below.

2. I am not a member of the Communist Party or affiliated with such party.

3. I do not believe in, and I am not a member of nor do I support any organization that believes in or teaches the overthrow of the United States Government by force or by any illegal or unconstitutional methods.

Local 111, United Electrical, Radio and Machine Workers of America (UE), United Electrical, Radio and Machine Workers of America (UE).

Mr. TAVENNER. What is the name of the affiant as shown by this document?

Mr. KILLIAN. I continue to read from this document, "John J. Killian."

Mr. TAVENNER. What address is given?

Mr. KILLIAN. "1233 South 17th Street," I read from the document.

Mr. TAVENNER. Where did you live in December 1952, Mr. Killian?

(Witness conferred with counsel.)

Mr. KILLIAN. At 1233 South 17th Street, sir.

Mr. TAVENNER. Will you examine the signature of the name appearing there and state whether or not it is your signature or a facsimile thereof?

(Witness conferred with counsel.)

Mr. KILLIAN. Sir, I cannot be compelled to testify against myself. I invoke the fifth amendment.

Mr. TAVENNER. I desire to introduce the document in evidence and ask that it be marked "Killian Exhibit No. 1," and that it be incorporated in the transcript of the record.

Mr. DOYLE. It is so ordered.

KILLIAN EXHIBIT No. 1

UNITED STATES OF AMERICA NATIONAL LABOR RELATIONS BOARD

AFFIDAVIT OF NONCOMMUNIST UNION OFFICER

(See instructions on reverse)

The undersigned, being duly sworn, deposes and says:

1. I am a responsible officer of the union named below.
2. I am not a member of the Communist Party or affiliated with such party.
3. I do not believe in, and I am not a member of nor do I support any organization that believes in or teaches, the overthrow of the United States Government by force or by any illegal or unconstitutional methods.

Local 1111, United Electrical, Radio and Machine Workers of America (UE)
United Electrical, Radio and Machine Workers of America (UE)

(Signature) JOHN J. KILLIAN,
(Address) 1233 S. 17th St.,
Milwaukee 4, Wisc.

(The notary public or other person authorized by law to administer oaths must fill in completely all blank spaces below.)

Subscribed and sworn to before me this 9th day of December 1952.

A notary public or other person authorized by law to administer oaths and take acknowledgments in and for the county of Milwaukee, State of Wisconsin.

My commission expires November 15, 1953.

SONYA K. ESSIN.

[SEAL]

Mr. TAVENNER. Mr. Killian, as properly read by you this affidavit states: "I am not a member of the Communist Party or affiliated with such party."

Will you tell the committee, please, whether or not on December 9, 1952, you were a member of the Communist Party or affiliated with it?
(Witness conferred with counsel.)

Mr. KILLIAN. Sir, I cannot be compelled to testify against myself and I invoke the fifth amendment.

Mr. TAVENNER. The affidavit which you read further states that The undersigned deposes and says: I do not believe in, and I am not a member of nor do I support any organization that believes in or teaches the overthrow of the United States Government by force or by any illegal or unconstitutional methods.

On December 9, 1952, were you a member of any organization that believed in or taught the overthrow of the United States Government by force or any illegal means or unconstitutional methods?
(Witness conferred with counsel.)

Mr. KILLIAN. I cannot be compelled to testify against myself. I thereby invoke the fifth amendment.

Mr. SCHIERER. Of course, that affidavit is made under oath, is it not, Mr. Counsel?

Mr. TAVENNER. Yes, sir.

Mr. SCHERER. Subject to pains and penalties of perjury.
(Witness conferred with counsel.)

Mr. TAVENNER. Yes, sir.

Mr. SCHERER. What is the statute of limitations on perjury, Mr. Counsel?

Mr. TAVENNER. Three years.

Mr. SCHERER. In view of the testimony of Ondrejka, and in view of the refusal of this witness to answer on the grounds that it will incriminate him, I am going to move in executive session that this testimony be referred to the Department of Justice for prosecution for perjury.

Mr. DOYLE. I think the other two members of this subcommittee, Mr. SCHERER, will join you and we will all recommend to the full committee at Washington that this matter be referred to the Department of Justice to find out who is lying.

Mr. SCHERER. There is no question who is lying.

Mr. DOYLE. Someone is and I do not think it was Ondrejka.

Mr. TAVENNER. Mr. Killian, while employed at Allen-Bradley plant were you aware of the existence in that plant of a cell or organized group of the Communist Party?

(Witness conferred with counsel.)

Mr. TAVENNER. That is, composed of employees in that plant?

Mr. KILLIAN. Sir, I cannot be compelled to testify against myself. I invoke the fifth amendment.

Mr. TAVENNER. Were you not in fact the chairman of the Communist Party cell?

Mr. KILLIAN. The same answer, sir.

Mr. TAVENNER. Located within that plant?

(Witness conferred with counsel.)

Mr. TAVENNER. Are you acquainted with an individual by the name of Joe Preloznik?

(Witness conferred with counsel.)

Mr. KILLIAN. Sir, I cannot be compelled to testify against myself. I invoke the fifth amendment.

Mr. TAVENNER. Mr. Chairman, I request that the witness be directed to answer the question.

Mr. DOYLE. I direct you to answer the question, especially in view of the fact that I have seen you in the courtroom all day with your counsel, sitting close by the front so you must have seen the gentleman when he was testifying. I direct you to answer.

(Witness conferred with counsel.)

Mr. TAVENNER. I may remind the witness in that regard that counsel for the committee announced when the witness, Joe Preloznik, was called, and you may not have heard it, that he had no information indicating any former Communist Party membership on the part of Mr. Preloznik, and he was asked the question and denied that he had ever been a member of the Communist Party. Therefore it is a little difficult for me to understand why you now contend that to answer a question as to whether you knew him might tend to incriminate you.

Mr. KILLIAN. Could you please restate the question before the committee, sir?

Mr. TAVENNER. Will you go back and read the question to him as to whether or not he knew the gentleman?

(Question read by the reporter as above recorded.)

(Witness conferred with counsel.)

Mr. KILLIAN. Sir, do you intend by your question to ask me whether I knew him through my employment in the plant at Allen-Bradley prior to today?

Mr. DOYLE. The gentleman has already asked you the question. That is what he has asked you.

(Witness conferred with counsel.)

Mr. KILLIAN. Sir, I cannot be compelled to testify against myself. I invoke the fifth amendment.

Mr. WILLIS. Mr. Chairman, have you ordered him to answer the question?

Mr. DOYLE. I will again order him to answer the question.

Mr. KILLIAN. Same answer, sir.

Mr. DOYLE. May I ask you to turn around and look at the third man to the right of the gate there. Please do that.

Mr. SCHERER. Stand up, Mr. Preloznik.

Mr. DOYLE. Will you look at that gentleman? Are you acquainted with him?

(Witness conferred with counsel.)

Mr. KILLIAN. Same answer to the question as before, sir.

Mr. DOYLE. I direct you to answer the question.

Mr. KILLIAN. Same answer, sir.

Mr. WILLIS. Young man, we are not trapping you or fooling you. Why do you not reconsider that question?

Mr. SCHERE. Mr. Tavenner has given him opportunity to answer it, has explained it to him. If he wants to, in view of that, subject himself to contempt we cannot go any further than we have gone.

(Witness conferred with counsel.)

Mr. WILLIS. I meant to say to reconsider his position on this question and others.

(Witness conferred with counsel.)

Mr. DOYLE. May I state here that I think I am correct and my colleagues agree with me? There is only one narrow area within which a witness is justified legally in claiming the fifth amendment privilege against self-incrimination. I will read it. This is "when a witness fears that his truthful answer will place him in immediate danger of criminal prosecution." That is as the committee members understand the law to be.

Mr. KILLIAN. Sir, I must consult counsel.

(Witness conferred with counsel.)

Mr. KILLIAN. Sir, after consideration and consultation with counsel I reaffirm my previous decision to refuse to be forced to testify against myself.

Mr. SCHERER. Witness, you heard the testimony today of Ondrejka. Is any part of the testimony given by Ondrejka to this committee false?

(Witness conferred with counsel.)

Mr. KILLIAN. Sir, I cannot be compelled to testify against myself. I invoke the fifth amendment.

Mr. SCHERER. Is any of the testimony of Ondrejka as it specifically relates to you false?

(Witness conferred with counsel.)

Mr. KILLIAN. The same answer, sir. I invoke the fifth amendment.

Mr. SCHERER. Is the testimony of Ondrejka as it relates to you true?

(Witness conferred with counsel.)

Mr. KILLIAN. Same answer, sir.

Mr. SCHERER. You heard his testimony today, did you not?

Mr. KILLIAN. Yes, I did, sir.

Mr. TAVENNER. Is there any explanation that you desire to give of the factual situation which Mr. Ondrejka presented to the committee insofar as it related to you?

(Witness conferred with counsel.)

Mr. KILLIAN. In answer to the question of the committee counsel I again invoke the fifth amendment.

Mr. TAVENNER. You just have nothing to say?

(Counsel conferred with witness.)

Mr. KILLIAN. Is that a question, sir?

Mr. TAVENNER. No, I think it is a rather obvious comment. Are you now a member of the Communist Party?

Mr. KILLIAN. I cannot be compelled to testify against myself. I invoke the fifth amendment.

Mr. TAVENNER. Were you a member of the Communist Party at the time you gave the non-Communist oath under the Taft-Hartley Act?

(Witness conferred with counsel.)

Mr. KILLIAN. I cannot be compelled to testify against myself. I invoke the fifth amendment.

Mr. TAVENNER. Have you ever been a member of the Communist Party at any time?

Mr. KILLIAN. Same answer, sir.

Mr. TAVENNER. I have no further questions.

Mr. SCHERER. When you made that affidavit to which Mr. Tavenner referred, were you telling the truth?

(Witness conferred with counsel.)

Mr. KILLIAN. I invoke the fifth amendment. I cannot be compelled to testify against myself.

Mr. DOYLE. Are there are questions, Congressman Willis?

Mr. WILLIS. How old are you?

Mr. KILLIAN. Twenty-nine years of age, sir.

Mr. WILLIS. Are you married?

Mr. KILLIAN. Yes, I am, sir.

Mr. WILLIS. Do you have any children?

Mr. KILLIAN. I do, sir.

Mr. DOYLE. Any questions, Congressman?

Mr. SCHERER. No questions.

Mr. DOYLE. May I just say this to you as the father of American-born children, as one American to another, why do you not get out of the Communist conspiracy and support the Nation that gave you birth instead of being a party, which we believe you are, to the Communist conspiracy which is abroad in the world? This is no time for me to lecture to you. I do not mean that, but for God's sake get out of it. Do something to strengthen your country instead of weakening it.

The witness is excused unless counsel has some other questions.

Mr. TAVENNER. No, sir, I have not.

Mr. DOYLE. We will recess for 5 minutes.

(Witness excused.)

(Whereupon, a brief recess was taken.)

Mr. DOYLE. The committee will reconvene. The record will please show that the committee reconvened and the full membership of the subcommittee is in their places.

Again I want to thank the audience for your cooperation in being so quiet and helpful.

Call your witness, Mr. Tavenner.

Mr. TAVENNER. Mr. Gerald Rose, will you come forward, please?

Mr. DOYLE. Mr. Rose, will you please raise your right hand and be sworn?

Do you solemnly swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

Mr. ROSE. I do.

Mr. DOYLE. Be seated, please.

TESTIMONY OF GERALD ROSE, ACCOMPANIED BY EDWARD H. SNYDER, COUNSEL

Mr. TAVENNER. What is your name, please, sir?

Mr. ROSE. Gerald Rose.

Mr. TAVENNER. Will counsel accompanying the witness please identify himself for the record?

Mr. SNYDER. Edward H. Snyder, 739 North Broadway, Milwaukee, Wis.

Mr. TAVENNER. Mr. Rose, are you also known by the name of Jerry Rose?

Mr. ROSE. Yes, sir.

Mr. TAVENNER. When and where were you born, Mr. Rose?

Mr. ROSE. I was born in Milwaukee April 25, 1925.

Mr. TAVENNER. Do you now reside in Milwaukee?

Mr. ROSE. I do.

Mr. TAVENNER. Have you lived in Milwaukee all of your life?

Mr. ROSE. All of my life except for the period when I was in the Army, for a period of time when I was at school and for 2 short months I was out of town.

Mr. TAVENNER. What was the period when you were in the Army?

Mr. ROSE. I was in the Army Air Corps from August 31 or August 20, 1943, to November 2, 1945.

Mr. TAVENNER. Did you serve overseas?

Mr. ROSE. Yes, sir, I did.

Mr. TAVENNER. In what theater?

Mr. ROSE. In the Mediterranean theater.

Mr. TAVENNER. Will you tell the committee, please, what your educational training has been?

Mr. ROSE. Grammar school, high school, sir. I received my B. A. from the University of Wisconsin.

Mr. TAVENNER. What year did you receive your B. A. degree?

Mr. ROSE. In 1950.

Mr. TAVENNER. How long were you at the University of Wisconsin as a student?

Mr. ROSE. I was in Milwaukee at the University of Wisconsin extension from 1946 to, I believe, the early part of 1948. Then I transferred out to the University of Wisconsin at Madison.

Mr. TAVENNER. Did you have any form of employment other than around the campus while you were in attendance at the University?

(Witness conferred with counsel.)

Mr. ROSE. Yes. That is, in Madison, sir?

Mr. TAVENNER. Yes, sir.

Mr. ROSE. Well, what sort of employment do you mean?

Mr. TAVENNER. I am asking you. If I knew, it probably would not be necessary for me to ask you.

Mr. ROSE. I did work as a waiter for a while on campus.

Mr. TAVENNER. I said other than on the campus.

Mr. ROSE. Yes, I was washing trucks for a while off campus and during summer vacations.

Mr. TAVENNER. Did you have any other employment during that period of time besides what you have told us, whether you were paid compensation for it or not?

(Witness confers with counsel.)

Mr. ROSE. I refuse to answer that question since I cannot be compelled to be a witness against myself under the fifth amendment.

Mr. DOYLE. I instruct you to answer that question, Witness. Certainly Congress is entitled to check on your identity, and you are testifying. You know best what you were doing in those years. For the purposes of identification and other purposes, we believe we are entitled to have your honest, frank answer. Therefore, I instruct you to answer that question.

(Witness confers with counsel.)

Mr. ROSE. The same answer, sir; the same reason.

Mr. TAVENNER. Mr. Rose, I have before me an excerpt from the Milwaukee Journal, date of July 8, 1949, the title of which is, "University of Wisconsin Reds Expel Member. Group Denies Actions Linked to State Ouster of Blair." The date line is Madison, Wis. Then we will read:

Expulsion of the University of Wisconsin student from the Communist Party for a display of white chauvinism was announced Friday.

Do you recall anything about that incident, Mr. Rose?

(Witness confers with counsel.)

Mr. ROSE. I refuse to answer this question since I cannot be compelled to be a witness against myself under the fifth amendment.

Mr. TAVENNER. The next paragraph of the article reads:

Gerald Rose, spokesman for the student section of the Dane County Communist Party, disclosed the action but refused to name the student.

You are referred to here as the spokesman for the student section of the Dane County Communist Party. Were you a member of that section at that time?

(Witness confers with counsel.)

Mr. ROSE. I invoke the fifth amendment, sir.

Mr. TAVENNER. On your return to Milwaukee, after the completion of your studies in the University of Wisconsin, how did you become employed?

(Witness confers with counsel.)

Mr. ROSE. To the best of my recollection, I believe I worked for a trucking company for a few months at that time.

Mr. TAVENNER. What was your next employment?

Mr. ROSE. Then I got a job at International Harvester.

Mr. TAVENNER. Your next employment?

Mr. ROSE. This is to the best of my recollection. I worked for the Heil Co.

Mr. TAVENNER. How long did you work there?

Mr. ROSE. I believe it was only for a few days, sir.

Mr. TAVENNER. What was your next employment?

Mr. ROSE. The Louis Allis Co.

Mr. TAVENNER. How long did you work there?

Mr. ROSE. Several months, sir.

Mr. TAVENNER. When did your employment terminate, about what date?

Mr. ROSE. Well [referring to notes] let me check here. Do you mind if I figure that out, sir?

Mr. DOYLE. You are entitled to refer to your written memoranda if you cannot remember where you worked and want to refresh your memory. Go ahead.

Mr. ROSE. As to the dates, sir. Would you repeat the last question in relation—

Mr. TAVENNER. My question was, When did that last employment terminate, about what date?

Mr. ROSE. At Louis Allis?

Mr. TAVENNER. Yes.

Mr. ROSE. That was approximately in January of 1952.

Mr. TAVENNER. What was your next employment?

Mr. ROSE. I then went to Nash Aircraft.

Mr. TAVENNER. How long were you employed there?

Mr. ROSE. I believe it was until September or October of that same year.

Mr. TAVENNER. What was your next employment?

Mr. ROSE. At the Harnischfeger Co.

Mr. TAVENNER. How long were you employed by that company?

Mr. ROSE. Into the beginning of 1953 I guess.

Mr. TAVENNER. What was your next employment?

Mr. ROSE. Then I went to work for Grede Foundries.

Mr. TAVENNER. How long were you employed there?

Mr. ROSE. For approximately a month.

Mr. TAVENNER. What was your next employment?

Mr. ROSE. I was unemployed for a period of several months.

Mr. TAVENNER. By choice or because you were unable to get work?

Mr. ROSE. I was unable to get work.

Mr. TAVENNER. Were you engaged in any other work during that period when you were unemployed?

(Witness confers with counsel.)

Mr. ROSE. I refuse to answer that question since I cannot be compelled to be a witness against myself under the fifth amendment.

Mr. DOYLE. I instruct the witness to answer the last question.

(Witness confers with counsel.)

Mr. ROSE. I again invoke the fifth amendment.

Mr. TAVENNER. What was your next employment after your one-month employment at Grede Foundries?

Mr. ROSE. I believe, sir, I worked for Plankinton Co.

Mr. TAVENNER. How long did you work there?

Mr. ROSE. About a month, sir.

Mr. TAVENNER. What was your next employment after that?

Mr. ROSE. I then got employment at the Express Freight Lines.

Mr. TAVENNER. Were you there more than a month?

Mr. ROSE. Yes, sir.

Mr. TAVENNER. How many months?

Mr. ROSE. I believe it was about 2 or 3 months.

Mr. TAVENNER. Then what was your next employment?

Mr. ROSE. I got a job at Cudahy Packing.

Mr. TAVENNER. How long were you employed there?

Mr. ROSE. Well, from that period of time—

(Witness confers with counsel.)

Mr. DOYLE. How many months? That is a good way to phrase it.

(Witness confers with counsel.)

Mr. ROSE. I was employed at the Cudahy Packing for about 13, 14 months, sir.

(Witness confers with counsel.)

Mr. TAVENNER. When did your employment terminate?

Mr. ROSE. Just a second. During that period of time I was laid off, although I still carried my seniority at Cudahy.

Mr. TAVENNER. When did your employment terminate at Cudahy?

Mr. ROSE. I believe it was February of this year, sir, or January, the latter part of January.

Mr. TAVENNER. Will you tell us, please, why your employment was of such brief duration in all these many instances, except the last that you gave us, over such a relatively short period of time?

(Witness confers with counsel.)

Mr. ROSE. In a number of cases, I was laid off for lack of work. In other cases I was told that my work was unsatisfactory.

(Witness confers with counsel.)

Mr. ROSE. And also a couple of places I quit to get a better job.

Mr. SCHERER. Were you doing any particular work for the Communist Party, were you carrying out any assignment with respect to these various places by which you were employed?

(Witness confers with counsel.)

Mr. ROSE. Will you restate that question, please?

Mr. SCHERER. I think you had better read the question.

(Question read by the reporter.)

(Witness confers with counsel.)

Mr. ROSE. I refuse to answer this question since I cannot be compelled to be a witness against myself under the fifth amendment.

Mr. SCHERER. Is the real reason that your employment was of such duration because of the fact that you were assigned a specific job to do at these plants for the Communist Party rather than for the reasons you stated?

(Witness confers with counsel.)

Mr. ROSE. I invoke the fifth amendment on this question, sir.

Mr. SCHERER. Did you use the name of Rose at all of these plants that you told us about?

(Witness confers with counsel.)

Mr. ROSE. Yes.

Mr. SCHERER. Did you ever use any other name at any other time?

(Witness confers with counsel.)

Mr. ROSE. No.

Mr. SCHERER. Is Rose your correct name?

Mr. ROSE. Yes, it is.

Mr. TAVENNER. What was your employment after February 19 of this year?

Mr. ROSE. Well, I was unemployed for a few weeks.

Mr. TAVENNER. Then what was your next employment after that?

(Witness confers with counsel.)

Mr. ROSE. I became employed at American Motors, sir.

Mr. TAVENNER. Are you still employed there?

Mr. ROSE. Yes, sir.

Mr. TAVENNER. Mr. Rose, during the course of the testimony here, Mr. Ondrejka identified you as having been just a few years ago the South Side division leader or director of the Communist Party in the city of Milwaukee. He has also advised this committee of your activity in the formation of a Communist Party cell and the giving of directions with regard to the formation of the Communist Party cell at Allen Bradley plant in the city of Milwaukee.

He has also advised us that you gave him certain directions with regard to a person by the name of Joe Preloznik, in that Mr. Ondrejka was expected to go back into the union and discredit Mr. Preloznik. He has advised us that you told him that the Communist Party line was to support the UE, that the UE was your union, meaning the Communist Party union.

I want to give you this opportunity to tell the committee whether there is any part of that testimony which is untrue.

(Wintess confers with counsel.)

Mr. ROSE. I invoke the fifth amendment, sir.

Mr. TAVENNER. As a matter of fact, you were the South Side division leader of the Communist Party, were you not?

(Witness confers with counsel.)

Mr. ROSE. I invoke the fifth amendment, sir.

Mr. TAVENNER. You did organize the Communist Party in the company that I mentioned, that is, the Allen Bradley Co.?

Mr. ROSE. I invoke the fifth amendment, sir.

Mr. SCHERER. Are you still a member of the UE Union?

(Witness conferred with counsel.)

Mr. SCHERER. Were you ever a member of the union?

Mr. ROSE. No.

Mr. DOYLE. I cannot help but notice, witness, that you consulted with your counsel before you said no.

Mr. SCHERER. Were you ever a member of the UE?

Mr. ROSE. I answered that question, sir.

Mr. SCHERER. I don't recall. I said, "are you a member of the UE today?" Now, were you ever a member of the UE?

Mr. ROSE. No, sir.

Mr. TAVENNER. You have stated that you are not a member of UE. Are you a member of the Communist Party at this time?

(Witness conferred with counsel.)

Mr. ROSE. I refuse to answer this question, sir, since I cannot be compelled to be a witness against myself under the fifth amendment.

Mr. TAVENNER. I have no further questions, Mr. Chairman.

Mr. WILLIS. Have you ever been a member of the Communist Party?

Mr. ROSE. I invoke the fifth amendment, sir.

Mr. DOYLE. Mr. Scherer?

Mr. SCHERER. Witness, you have invoked the fifth amendment to almost all of the significant questions that have been asked you, claiming that to answer these questions might tend to incriminate you.

Now, as I told two of the previous witnesses, the 83d Congress passed a law which gives to this committee with the approval of the Federal court the right to grant immunity. In other words, this committee can say to you that you shall not suffer any penalty of any kind whatso-

ever if you testify and answer the questions we ask you. Now, if this committee should grant you immunity, and I am inclined to think that maybe you are one of the witnesses to which we might grant immunity, would you then answer the questions that have been asked you today and to which you have pleaded the fifth amendment?

(Witness conferred with counsel.)

Mr. ROSE. Sir, when that situation arises, I will meet it then.

Mr. SCHERER. By pleading the fifth amendment, you tell us that the only reason that you are not answering these questions is because you fear some possible action upon the part of the authorities which may deprive you of your liberty, that you may incriminate yourself in some way. Now, if that is removed, why can't you tell us now whether you would answer those questions?

(Witness conferred with counsel.)

Mr. SCHERER. I am not asking you to answer the questions now.

Mr. ROSE. I will answer the question at the proper time, sir.

Mr. SCHERER. You will answer our questions if we should grant you immunity? Is that what you mean?

(Witness conferred with counsel.)

Mr. ROSE. Well, when that situation arises, sir, where you will give me immunity, I will answer that question at that time for you.

Mr. SCHERER. Then you will decide at that time whether you are going to answer the questions or not?

(Witness conferred with counsel.)

Mr. SCHERER. Is that what you mean?

Mr. ROSE. Yes, sir.

Mr. SCHERER. Your answer now indicates to me then that you are not invoking the fifth amendment in good faith [Witness conferred with counsel] because the only thing you say in invoking the fifth amendment is that you fear criminal prosecution. Why can't you say now, if that fear is removed, not only the fear removed but the actuality of prosecution removed, whether you will answer these questions?

(Witness conferred with counsel.)

Mr. ROSE. I refuse to answer this question, sir, under the fifth amendment.

Mr. SCHERER. I just repeat then that it must be obvious to all of us that you are not invoking the fifth amendment in good faith.

I have no further questions.

Mr. DOYLE. I would like to ask the witness something about the fifth amendment. You seem to be or claim to be familiar with it. At least you stand on it, but you only quote one sentence in connection with it. What else is in the fifth amendment besides this one sentence that you have used?

(Witness conferred with counsel.)

Mr. DOYLE. What else is in the text of the fifth amendment?

Mr. ROSE. Well, as far as I know, there is the question of that an individual is, all individuals are, entitled to due process of law.

Mr. DOYLE. What else?

(Witness conferred with counsel.)

Mr. DOYLE. I am not asking you to ask your attorney what is in it. Maybe he does not know all of it.

Mr. ROSE. It contains a number of things. I am not familiar with those other things, sir.

Mr. DOYLE. Let me read it to you as part of your education:

No person shall be held to answer for a capital or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia when in actual service in time of war or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself; nor be deprived of life, liberty, or property, without due process of law;

That is the other point you remember—

nor shall private property be taken for public use without just compensation."

If I am not mistaken, you recited 9 different places of employment that you engaged in in Milwaukee between January 1952 and the present date. What other employment in addition to these 9 places did you engage in, either nighttime or daytime? Did you do any writing for compensation? Did you do any organization work or lecturing? If so, what?

(Witness conferred with counsel.)

Mr. ROSE. I invoke the fifth amendment, sir.

Mr. DOYLE. Have you any other question, Mr. Tavenner?

Mr. TAVENNER. Where do you now reside?

Mr. ROSE. I now reside in Milwaukee, sir.

Mr. TAVENNER. At what address?

Mr. ROSE. I now reside at 924-A West Greenfield Avenue.

Mr. TAVENNER. How long have you lived there?

(Witness conferred with counsel.)

Mr. ROSE. I refuse to answer this question, sir, under the fifth amendment.

Mr. DOYLE. May I instruct you to answer, and I want to make it clear that the rules of this committee only permit legal counsel to advise a witness as to his constitutional rights. We never allow a lawyer, if we can help it, to tell a witness what to say except on his constitutional rights. I am stating that again for the future witnesses, because it ought to be perfectly clear by this time that we stand upon that premise.

I am instructing you to answer that question.

(Witness conferred with counsel.)

Mr. DOYLE. I think we are entitled to know where you have lived. The United States Government is entitled to know where its citizens live.

Mr. ROSE. I refuse to answer that question, sir, under the fifth amendment.

Mr. DOYLE. I want to give you another opportunity to answer it. I am instructing you to answer that question.

(Witness conferred with counsel.)

Mr. ROSE. I still refuse to answer, sir, under the fifth amendment.

Mr. DOYLE. I thought probably you would.

Any other questions, Mr. Tavenner?

Mr. TAVENNER. No, sir.

Mr. DOYLE. Any other questions, gentlemen?

The witness is excused.

(Witness excused.)

Mr. TAVENNER. Mr. Mark Berman.

Mr. DOYLE. Mr. Berman, will you please raise your right hand and be sworn?

Mr. BERMAN. Would you mind if they got done, because I would like to be——

Mr. DOYLE. Composed?

Mr. BERMAN. That is right. You hit the nail on the head.

Are the photographers done, Mr. Chairman?

Mr. DOYLE. You ask them.

Mr. BERMAN. You can do all you want, but I am just wondering if you are done.

Mr. DOYLE. Let us proceed.

Do you solemnly swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

Mr. BERMAN. I do.

Mr. DOYLE. Be seated.

If the press will desist, please, for the balance of this gentleman's testimony.

I am sure, counsel, that you heard my pronouncement of the committee rule. The presence of counsel is limited to advice as to constitutional rights, not to put words into the mouth of the witness.

Mr. FAIRCHILD. I understand the rule.

TESTIMONY OF MARK BERMAN, ACCOMPANIED BY THOMAS FAIRCHILD, COUNSEL

Mr. TAVENNER. What is your name, please, sir?

Mr. BERMAN. I am Mark Berman.

Mr. TAVENNER. Will counsel please identify himself for the record?

Mr. FAIRCHILD. Thomas Fairchild, 135 West Wells Street, Milwaukee, Wis.

Mr. TAVENNER. When and where were you born, Mr. Berman?

Mr. BERMAN. I was born March 1, 1928, on the outskirts of Flushing, N. Y.

Mr. TAVENNER. Where do you now reside?

Mr. BERMAN. I now reside in Milwaukee.

Mr. TAVENNER. What address?

Mr. BERMAN. At 3495 Borth Bremen.

Mr. TAVENNER. How long have you lived in Milwaukee?

Mr. BERMAN. I have lived in Milwaukee since approximately October of 1949.

Mr. TAVENNER. Will you tell the committee, please, what your educational training has been?

Mr. BERMAN. I attended the elementary schools, completed high school, and attended, though not consecutively, 12 straight months each year but for a 4-year period the University of Wisconsin in Madison.

Mr. TAVENNER. What were the years when you were there?

Mr. BERMAN. Between approximately September 1945 and June 1949, though I want to make clear I was not there 12 months per year in 4 straight years.

Mr. TAVENNER. Yes, I understand.

Mr. Berman, I hand you a photostatic copy of the Daily Cardinal, which is a paper published by the University of Wisconsin at Madison under date of May 21, 1948. In the upper left hand corner of this paper is a photograph. Will you examine it, please, and state what it is that you see there?

Mr. BERMAN. You said, Mr. Tavenner, the upper left hand corner?

Mr. TAVENNER. Yes.

Mr. BERMAN. In answer to your question of what I see, and I am describing in the upper left hand corner of this photostatic thing here, it says, "No. 90542, 1948 membership card Communist Party of the U. S. A., name: Mark Berman, Madison, Wis. Date issued October 20, 1947; signature of State chairman," above which is Fred B. Blair.

On the lower left hand side of the copy of this which is in the upper left hand side of the whole thing is a seal which is not completely legible. It says something about Wisconsin Committee, and says "Communist Party of the"—and that is all that is legible.

Mr. TAVENNER. Can you from your recollection supply the illegible information that you spoke of?

(Witness conferred with counsel.)

Mr. BERMAN. Well, Mr. Chairman—I mean, Mr. Tavenner; excuse me. I would refuse to answer that question on the grounds that it might tend to incriminate me.

Mr. DOYLE. You say you would refuse. Do you refuse to answer it?

Mr. BERMAN. I do refuse, Mr. Chairman.

Mr. TAVENNER. Does the photostat of the card show a signature?

(Witness conferred with counsel.)

Mr. TAVENNER. You read a name, but I want to know whether it is a signature or a typewritten name?

Mr. BERMAN. It seems to be a matter of interpretation. I mean it appears. In this I am just stating opinion. It appears that there are two signatures on it.

Mr. TAVENNER. Will you examine the name that appears there, "Mark Berman," and state whether or not it is in your handwriting?

Mr. BERMAN. I refuse to answer that question, Mr. Tavenner on the grounds that the answer to that question might also tend to incriminate me.

Mr. TAVENNER. Will you tell the committee, please, how many Communist Party cards you have held?

Mr. BERMAN. I refuse to answer that question on the grounds that that question also might tend to incriminate me.

Mr. TAVENNER. I know from what you have said that the date of this Communist Party card in the name of Mark Berman was dated in 1947. Had you been a member of the Communist Party at any time prior to 1947?

Mr. BERMAN. I refuse to answer that question, Mr. Tavenner, on the same grounds as before; the answer might tend to incriminate me.

Mr. TAVENNER. On the second page of the photostat you will see that a debate was held at the university or at least a public meeting was held in which you stated the reasons why you were a member of the Communist Party and another individual stated the reasons he was not a member of the Communist Party. Do you see that?

Mr. BERMAN. I see, Mr. Tavenner, what appears to be a description of what you are referring to.

Mr. TAVENNER. Did you engage in the public discussion that was indicated occurred?

Mr. BERMAN. I would refuse to answer that question also on the grounds that it, too, might tend to incriminate me, the answer.

Mr. TAVENNER. Were you active in the work of the Communist Party while you were a student at the University of Wisconsin?

Mr. BERMAN. Same answer, Mr. Tavenner. I refuse to answer that question, also, on the grounds that it might tend to incriminate me.

Mr. TAVENNER. I desire to introduce the document into evidence, Mr. Chairman, and ask that it be marked "Berman Exhibit No. 1," for identification purposes only, and to be made a part of the committee files.

Mr. DOYLE. It is so ordered.

Mr. TAVENNER. Did you come to Milwaukee in 1949 upon the completion of your work at the University of Wisconsin?

Mr. BERMAN. Eventually I did come to Milwaukee.

Mr. SCHERER. Where did you go to after you left the university?

Mr. DOYLE. Possibly the gentleman lived here all the time while he was attending the university?

Mr. BERMAN. I don't remember exactly what I did in the period between which I graduated and the period in which I came to Milwaukee to reside, so I couldn't—

Mr. SCHERER. When did you finish the university?

(Witness conferred with counsel.)

Mr. BERMAN. Did you mean did I get a degree from the university?

Mr. SCHERER. When did you terminate your connection with the University of Wisconsin?

Mr. BERMAN. I have already answered that question; June of 1949.

Mr. SCHERER. When you terminated your relationship with the school did you leave Madison?

Mr. BERMAN. Yes; I did.

Mr. SCHERER. Where did you go?

(Witness conferred with counsel.)

Mr. BERMAN. I was more or less, to use the expression, bumming around the country; I mean it, I took a vacation, took a rest.

Mr. SCHERER. Over how long a period did you bum around the country?

Mr. BERMAN. Approximately until, as I recall, approximately until October of 1949.

Mr. SCHERER. How many months was that?

Mr. BERMAN. Approximately three and a half, four months.

Mr. SCHERER. And you can not tell us any places you visited during that time?

(Witness conferred with counsel.)

Mr. BERMAN. Mr. Scherer, I would refuse to answer that question on the grounds that the answer might tend to incriminate me.

Mr. SCHERER. A few minutes ago you said that you did not remember where you were during that period. How can you take the fifth amendment now if you do not remember where you were?

Mr. BERMAN. I take it on my constitutional grounds, sir.

Mr. SCHERER. Did you go out of the country during that period?

Mr. BERMAN. I refuse to answer that question, sir, on the grounds that the answer might tend to incriminate me.

Mr. SCHERER. The fact is you were not bumming or taking a vacation. You were on an assignment for the Communist Party, were you not?

Mr. BERMAN. I refuse to answer this question, sir, on the grounds that it, too, might tend to incriminate me.

Mr. SCHERER. Were you telling us the truth a few minutes ago when you said that you were bumming and on a vacation during that period?

Mr. BERMAN. I would refuse to answer that question, sir, on the grounds that it might tend to incriminate me.

Mr. SCHERER. Do you mean you are taking the fifth amendment to a question as to whether or not a few minutes ago you told us the truth? That is a new one.

Mr. DOYLE. I will instruct the witness to answer that. That is a new one.

(Witness conferred with counsel.)

Mr. BERMAN. Could I hear the question again?

Mr. SCHERER. I think I am going to withdraw the question at this point. Go ahead, Mr. Tavenner.

Mr. TAVENNER. On your return to Milwaukee what employment did you have?

Mr. BERMAN. I procured employment at what is now known as the American Motors Corp. in January of 1950.

Mr. TAVENNER. What work did you engage in in Milwaukee between October of 1949 and January 1 when you became employed?

Mr. BERMAN. I would refuse to answer that question, Mr. Tavenner, on the grounds that said answer might tend to incriminate me.

Mr. TAVENNER. How long did you remain employed by American Motors?

Mr. BERMAN. I am presently employed by American Motors.

Mr. TAVENNER. Have you been employed continuously since January 1, 1950, by that company?

(Witness conferred with counsel.)

Mr. BERMAN. I have worked continuously for the American Motors Corp. from January of 1950, and I am employed there presently, though there were intermittent layoffs due to cutbacks, failure to sell cars, et cetera.

Mr. TAVENNER. During the time you were employed by American Motors were you a member of a union having bargaining rights with that organization?

Mr. BERMAN. You said "were." I am presently employed there.

Mr. TAVENNER. That would cover it.

Mr. BERMAN. And the question?

Mr. TAVENNER. Have you been a member of a union at any time since the beginning of your employment with American Motors?

Mr. BERMAN. Yes.

Mr. TAVENNER. What is the name of the union?

Mr. BERMAN. Local No. 75 UAW-CIO.

Mr. TAVENNER. During that period of time have you occupied any office or position within your union?

(Witness conferred with counsel.)

Mr. BERMAN. Mr. Tavenner, in regard to that question I would like to say that the chairman of the subcommittee made the statement at the beginning of the hearing that this hearing would not be involved in the question of unions and union matters, and it would not take up the question of conflict between companies and unions or one union and another union, and my feeling is—I do not wish to misinterpret, but I do feel that the line of questioning at this point is somewhat in contradiction with the statement with which the subcommittee chairman opened the hearings on yesterday.

Mr. TAVENNER. You will recall, also, that the chairman said that wherever it had information of a reliable character that an individual was a member of the Communist Party they would follow it regardless of where it led.

Mr. DOYLE. That is correct, Mr. Tavenner, and I made it crystal clear that we would try to follow the Communist conspiracy whether it went into a union, a church, a university or any place else. That is what we are doing, sir, with you.

Mr. TAVENNER. Please answer the question.

(Witness conferred with counsel.)

Mr. BERMAN. The question just once again, please.

Mr. TAVENNER. My question was whether or not you have been an official or held any position within your union during the period of time that you have been employed at American Motors?

Mr. BERMAN. I have not been what is called an official, but I have served as a head steward of my department. I was elected as a member of the union election committee by the membership.

Mr. TAVENNER. Will you give us the date when you became steward?

Mr. BERMAN. At this point I could not give the date. I mean I don't recall the date.

Mr. TAVENNER. You have been employed there only since January 1, 1950?

(Witness conferred with counsel.)

Mr. TAVENNER. You can come within a month, certainly, of the time.

Mr. BERMAN. In regards to the question of head steward, approximately at the beginning of 1955, sometime in January.

Mr. TAVENNER. January 1955. Is that an elective office or an appointive office?

Mr. BERMAN. It is an elective office.

Mr. TAVENNER. Were you a member of the Communist Party at the time you ran for that office?

Mr. BERMAN. I refuse to answer that question, sir, on the grounds that the answer might tend to incriminate me.

Mr. TAVENNER. Have you ever denied before the membership of your union that you were a member of the Communist Party?

Mr. BERMAN. I would refuse to answer that question, sir, on the grounds that an answer might tend to incriminate me.

Mr. TAVENNER. Actually you have been engaged in various extensive work for the Communist Party since the fall of 1949 in Milwaukee, have you not?

Mr. BERMAN. I refuse to answer that question on the grounds that the answer might tend to incriminate me.

Mr. TAVENNER. As a member of the Youth Group of the Communist Party in Milwaukee you were the organizer of the Labor Youth League in the fall of 1949, isn't that true?

Mr. BERMAN. The same answer; I refuse to answer that question on the grounds that the answer might tend to incriminate me.

Mr. TAVENNER. It is because of that that you would not answer the question as to what you did just prior to your obtaining employment in 1950 in Milwaukee because you were giving full time to the Communist Party in the fall of 1949, is that not correct?

Mr. BERMAN. I refuse to answer that question for the same reason; the answer might tend to incriminate me.

Mr. SCHERER. It is obvious, then, that the witness lied to us when he said that during those 2 years or during the time that he left Madison and came to Milwaukee, he was merely bumming around the country and taking a vacation.

Mr. TAVENNER. Mr. Berman, the committee heard the testimony of Mr. Ondrejka that you were active in the preparation of the material, or at least the supervision of the preparation of the material, for a Communist paper entitled Unity; that on one occasion he saw on a table a stack of the issues of that organization; that he overheard Jack Kling, who was then the head of the Communist Party for the State of Wisconsin, take you to task for certain inaccuracies or typographical errors for the construction of that material that was in the magazine, and that Kling said that he expected something better of you with a paper of this description.

Will you tell the committee, please, what you know about the printing of that paper?

Mr. BERMAN. Are you asking a question?

Mr. TAVENNER. I certainly am.

Mr. BERMAN. I am refusing to answer that question or to give the information. I am refusing to answer the request and the question on the grounds that the answer might tend to incriminate me.

Mr. TAVENNER. Was that paper published in the city of Milwaukee?

Mr. BERMAN. The same answer; I refuse to answer on the grounds that it might tend to incriminate me.

Mr. SCHERER. Was anything Ondrejka said with reference to you untrue?

Mr. BERMAN. I refuse, Mr. Scherer, to answer your question on the same grounds, that said answer might tend to incriminate me.

Mr. SCHERER. Is it not a fact that everything Ondrejka said about you and your activities in the Communist Party was true?

Mr. BERMAN. I refuse to answer that question as well on the same grounds; that the answer might tend to incriminate me.

Mr. SCHERER. If what Ondrejka said about you was untrue would you tell us?

Mr. BERMAN. I refuse to answer that question, as well, on the same grounds. Said answer might tend to incriminate me.

Mr. TAVENNER. Mr. Chairman, I think I should call to the committee's attention that the publication of this Communist pamphlet or bulletin by the Wisconsin auto section of the Communist Party is a violation of the law from the standpoint of the printer under the 1954 amendment to the Internal Security Act of 1950 unless the printing press or the other paraphernalia used in the printing of it was registered as provided by law.

(At this point, Mr. Scherer left the room.)

Mr. TAVENNER. The staff has conducted some further investigation of that matter and though it is not in a position to announce anything with regard to the printer of it, if the printer is the outfit that the staff thinks it is, it has not complied with the law, and the committee may desire to consider whether or not it will refer the matter to the Department of Justice for further investigative and prosecutive action.

Mr. DOYLE. I will say, counsel, that the committee will be interested in knowing whether or not there has been a violation of law by the printer or the Communist Party or anyone, and if there has been, let us cite it to the Department of Justice.

There have been plenty of violations by the Communist conspiracy without letting it get by with any violation of law.

Mr. TAVENNER. If the testimony of Mr. Ondrejka about this witness is true, he is in a position to give the Government that information. I think the committee should consider having his immunity waived and having him give the testimony on the point of this criminal violation.

Mr. DOYLE. Do you have further questions, Mr. Tavenner?

Mr. TAVENNER. Are you now a member of the Communist Party?

Mr. BERMAN. I refuse to answer that question, sir, on the grounds that said answer might tend to incriminate me.

Mr. TAVENNER. Have you ever been a member of the Communist Party?

Mr. BERMAN. I refuse to answer the question on the same grounds that the question might tend to incriminate me.

Mr. TAVENNER. I have no further questions, Mr. Chairman.

Mr. DOYLE. Mr. Willis?

(At this point, Mr. Scherer reentered the room)

Mr. TAVENNER. Mr. Chairman, I would like to ask an additional question or two.

Mr. DOYLE. Proceed.

Mr. TAVENNER. Mr. Berman, have you advised the committee whether or not you worked at the Nash-Kelvinator Co.?

(Witness conferred with counsel.)

Mr. BERMAN. The Nash-Kelvinator Co. is the name of the company which I referred to before, but which has lately become the American Motors Co., and that is the name that it is now known as.

Mr. TAVENNER. So your testimony before related to that same employment, though we did not identify it as such.

When did you begin working for the Nash-Kelvinator Co., now the American Motors?

Mr. BERMAN. As I previously stated sometime in January of 1950.

Mr. TAVENNER. Did you work for any other concern during 1950?

(Witness conferred with counsel.)

Mr. BERMAN. I can't recall.

Mr. TAVENNER. You can't recall whether you had any other employment or otherwise during 1950?

Mr. BERMAN. I can't recall, sir, because I can't recall every occasion which we had what is referred to as seasonal layoffs and I know they have been numerous, but I can't recall when they were.

Mr. TAVENNER. Let me see if I can refresh your recollection. Did you work for the Long Life Rug Co.?

Mr. BERMAN. I refuse to answer this question, sir, on the grounds that said answer might tend to incriminate me.

Mr. DOYLE. I instruct you to answer. How in the world could whether or not you worked for this Long Life Rug Co. in this city incriminate you or tend to? Is that not a legitimate business?

(Witness conferred with counsel.)

Mr. BERMAN. I refuse to answer that question, sir, on the grounds that the answer might tend to incriminate me.

Mr. TAVENNER. Is your recollection refreshed now at this point as to where you worked during 1950 since I asked you that question?

(Witness conferred with counsel.)

Mr. SCHERER. I recall that the Long Life Rug Co. is the company owned by the wife of Mortimer Altman, who testified here the other day, and when I asked him who the other employees were he took the fifth amendment.

Mr. DOYLE. That is right. He said he did not own any of the rug business, his wife owned it all.

Mr. BERMAN. Will you repeat the question, please?

Mr. TAVENNER. I asked you if my question to you about the possibility of your having worked at the Long Life Rug Co. refreshed your recollection as to where you did work during that year.

Mr. DOYLE. So that the witness will have it clear, I instructed you to answer.

Mr. BERMAN. I will refuse to answer that question on the grounds that the answer might tend to incriminate me.

Mr. WILLIS. Mr. Tavenner, on the question of timing, his testimony is that he left college in June and roamed around until October of 1949. You had better go back and ask him from that time and do not restrict it, please, to 1950 because there won't be any escape.

Mr. TAVENNER. Have you worked with the Long Life Rug Co. at any time?

Mr. BERMAN. I would refuse to answer that question, sir, on the same grounds as previously stated; the answer might tend to incriminate me.

Mr. DOYLE. You say you would refuse. Do you refuse?

Mr. BERMAN. I do refuse.

Mr. DOYLE. Then I do instruct you to answer that question.

Mr. BERMAN. I still, sir, do refuse to answer that question on the grounds that the answer might tend to incriminate me.

Mr. TAVENNER. I have no further questions, Mr. Chairman.

Mr. DOYLE. Have you any questions, Congressman Willis?

Mr. WILLIS. No questions.

Mr. DOYLE. Congressman Scherer?

Mr. SCHERER. Yes.

The witness, in response to some questions I asked him earlier refused to say whether any part of the testimony of the witness, Ondrejka, was true or whether it was false, basing his refusal to answer on the ground that to do so might tend to incriminate him.

Witness, I am going to ask you whether or not after you leave the hearing room like so many other witnesses of your caliber have done, you are going out and say that Ondrejka lied about you or lied in his testimony, or that he was an informer or stool jigeon? Are you going to do that after you leave the hearing room?

Mr. BERMAN. I refuse to answer that question, sir, on the same grounds. I do refuse to answer that question on the grounds that the answer might tend to incriminate me.

Mr. SCHERER. I have no further questions.

Mr. DOYLE. I think in view of the witness' reference to my preliminary statement at the announcement of this hearing yesterday morning, and I believe I have noticed you, Mr. Witness, in the courtroom both all day yesterday and all day today prior to the time you were called—

Mr. BERMAN. Just a correction on that. I was not in the room here all day yesterday. I came for just a short while in the afternoon.

Mr. DOYLE. You were here all this morning.

Mr. BERMAN. I think pretty much so.

Mr. DOYLE. In view of your reference to my 3-page statement, I think I will read just quickly the 2 paragraphs that seem pertinent in view of your observation about the union situation.

(Witness conferred with counsel.)

Mr. DOYLE. I will quote again:

The purpose of this present investigation starting this morning is to determine first whether there has been any planned Communist activity in this important area, and to show the nature, extent, character, and objection thereof.

It is not limited to this, however. The committee is especially interested in ascertaining the methods used by the Communist Party in infiltrating local industrial units, civic organization or other groups, and the extent of its influence in economic and social phases of our society.

The committee wants it understood that in the conduct of the hearing it proposes to follow and uncover if it can the Communist Party activities of any person as to whom reliable information indicates Communist Party affiliation whether that person be in the field of labor or any other field.

Now, sir; that is what I said and I want to say to you that we believe we have reliable information, as our questions indicated, of your continuous Communist Party activity. We are determined, as far as we can as American Congressmen, that the Communist conspiracy is not going to infiltrate.

As far as we can cooperate with respectful, decent organized labor we are going to see to it that you do not take over any organization in our Nation whether it is labor or otherwise.

Mr. Counsel and members of the committee, I was asked twice this afternoon whether or not our committee had any recent evidence, other than what came before this committee, of the fact that the Communist Party in our Nation advocates the use of force and violence. I will not read it all, but I will ask without objection to put into the record just 3 paragraphs in an opinion by the distinguished Illinois judge of the United States District Court, Northern District of Illinois, Eastern Division, in the case of the *United States of America, plaintiff, v. Claude Mack Lightfoot, defendant*, with which I am sure my distinguished colleagues are familiar. This was made by the distinguished court judge on November 1, 1954. I will read just 3 paragraphs and ask your O. K. to put the text of the full decision in the record of this hearing.

Quoting the judge:

The extracts show that from a stated belief in the principles of Marxism-Leninism a reasonable mind could conclude beyond a reasonable doubt the corresponding belief in the use of force and violence for the overthrow of the Government of the United States. In fact many courts have apparently so construed them.

I find that, considering the documentary evidence plus the testimony of the witnesses, there was evidence from which a reasonable mind could conclude beyond a reasonable doubt that the Communist Party was, during the indictment period, one which advocated the overthrow of the Government by force and violence as speedily as circumstances would permit.

Having found upon ample evidence that the advocacy of the party was of the use of force and violence for the purposes described, the jury could hardly have found that the defendant did not have knowledge of this advocacy. Considering his writings in evidence, which call for a dedication to Marxism-Leninism, and all the testimony of the witnesses, I find that there was evidence from which a reasonable mind would conclude beyond a reasonable doubt that the defendant knew that the Communist Party advocated the overthrow of the Government of the United States by force and violence, and that he intended to bring about such overthrow by force and violence.

DECISION OF JUDGE PHILIP L. SULLIVAN, UNITED STATES DISTRICT COURT, CHICAGO, IN THE LIGHTFOOT CASE

I have been keenly aware that this is not an ordinary criminal case; throughout the trial, I have been sensitive to the justice of defendant's contention that it would be difficult to secure a fair verdict on this issue; and I have been aware that many of us tend to discard our normal thinking and reactions when we hear the word "communism." For these reasons, I wish to make an exhaustive study of the evidence submitted, with a view to using my power under rule 29 of the Federal Rules of Criminal Procedure to direct a judgment of acquittal if it should appear that the verdict of the jury was not supported by evidence from which a reasonable mind could conclude guilt beyond a reasonable doubt.

This study has convinced me that the verdict of the jury was supported by the required evidence.

The defendant was indicted under section 2 of the Smith Act (title 18 U. S. C. A., sec. 2385) which provides:

"Whoever organizes or helps or attempts to organize any society, group or assembly of persons who teach, advocate, or encourage the overthrow or destruction of any such government by force or violence; *or becomes or is a member of, or affiliates with, any such society, group or assembly of persons knowing the purposes thereof* * * *" [Italic supplied].

The indictment charges that from on or about July 25, 1945, and continuously thereafter, up to and including the date of the indictment (May 14, 1954), the Communist Party was a society of persons advocating the overthrow of the Government of the United States by force and violence as speedily as circumstances would permit; and that the defendant was a member of that organization during the same period, knowing these purposes, and intending to bring about such overthrow by force and violence as speedily as circumstances would permit.

That defendant was a member of the Communist Party was admitted by himself as well as by his counsel, and established by formal proof.

The evidence of the Government tending to prove the "advocacy" of the party falls into several categories. First: There was evidence tending to show that: The party has "secret" members; in schools conducted by it, training was uniform and according to an established pattern; it is a highly organized group, built on well-defined administrative levels and maintaining discipline within its ranks. This evidence was of course significant as showing the deviation of the Communist Party from normal political parties, and an interference may fairly be drawn from it that significant reasons for the deviation exist.

Second: There was evidence to show its teachings and beliefs. This evidence established that the Communist Party is a political party "basing itself on the principles of scientific socialism, Marxism-Leninism." To prove the meaning of this term, there have been introduced a number of extracts from the books which have been described as the "classics" of Marxism-Leninism. A few of these works, on which it was testified the Communist Party relies, are: Communist Manifesto; Stalin, Foundations of Leninism; Lenin, Left Wing Communism, An Infantile Disorder; Stalin, Problems of Leninism.

The extracts show that from a stated belief in the principles of Marxism-Leninism, a reasonable mind could conclude beyond a reasonable doubt a corresponding belief in the use of force and violence for the overthrow of the Government of the United States. In fact, many courts have apparently so construed them.

I find that, considering the documentary evidence, plus the testimony of the witnesses, there was evidence from which a reasonable mind could conclude beyond a reasonable doubt that the Communist Party was, during the indictment period, one which advocated the overthrow of the Government by force and violence as speedily as circumstances would permit.

Having found upon ample evidence that the advocacy of the party was of the use of force and violence for the purposes described, the jury could hardly have found that the defendant did not have knowledge of this advocacy. Considering his writings in evidence, which call for a dedication to Marxism-Leninism, and all the testimony of all the witnesses, I find that there was evidence from which a reasonable mind could conclude beyond a reasonable doubt that the defendant knew that the Communist Party advocated the overthrow of the Government of the United States by force and violence, and that he intended to bring about such overthrow by force and violence.

Now in company with that quotation by this distinguished Federal court judge, I want to say to the witness, why do you not get out of

that conspiracy? Why do you not place your natural talents in support of the Nation which gave you birth and the birth of your children and your lovely family, and gave you a chance for public education? Why do you not serve our own Government and Nation instead of the Marxism-Leninism conspiracy which right today advocates the forceful, violent overthrow of our constitutional form of government; and you know it does. Why do you not get out of it?

That is the reason this committee is here. We know without peradventure of a doubt that the Communist Party, of which we believe this young witness and these other witnesses who have pleaded the fifth amendment are members, and in which we believe they have been active, is a damnable conspiracy and that is the reason we are here in Milwaukee: To help expose this damnable conspiracy. I do not hesitate to tell any American man to get out of it.

Who is your next witness, Mr. Tavenner?

Mr. BERMAN. Mr. Chairman, am I dismissed?

Mr. DOYLE. Yes, and we thank you for being so patient.

(Witness excused.)

Mr. TAVENNER. Mr. Berger, will you come forward, please.

Mr. BERMAN. Six dollars a day is nonunion and scab wages and I don't want it.

Mr. DOYLE. It is the payment that your Government pays. It is just like you Communists to call it wages; that the United States Government pays scab wages because you think of it as a scab. I am ashamed of you.

Do you solemnly swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

Mr. BERGER. Yes, sir.

TESTIMONY OF SIDNEY D. BERGER, ACCOMPANIED BY THOMAS R. AMLIE, COUNSEL

Mr. TAVENNER. What is your name, please, sir?

Mr. BERGER. Sidney D. Berger.

Mr. TAVENNER. Will counsel please identify himself for the record?

Mr. AMLIE. The name is T. R. Amlie, 1726 Height Street, Madison, Wis.

Mr. TAVENNER. When and where were you born, Mr. Berger?

Mr. BERGER. December 30, 1925, city of New York.

Mr. TAVENNER. Where do you now reside?

Mr. BERGER. The city of Milwaukee, Wis.

Mr. TAVENNER. What is your address in Milwaukee?

Mr. BERGER. 1334 North 15th Street.

Mr. TAVENNER. How long have you lived in Milwaukee?

Mr. BERGER. 1949.

Mr. TAVENNER. Will you tell the committee, please, what your educational training has been?

Mr. BERGER. Grammar school elementary grades, high school, college, postgraduate work, 10 years of religious studies, 4 years of musical studies and at present I am enrolled at the Wisconsin State College in Milwaukee.

Mr. TAVENNER. Will you tell us, please, where you received the various types of training which you have described?

Mr. BERGER. Do you mean advanced training, college?

Mr. TAVENNER. Yes, advanced college training.

Mr. BERGER. I was a student of government and public administration at the College of the City of New York, a free institution.

Mr. TAVENNER. During what period?

Mr. BERGER. I enrolled there in 1942, received my degree in June of 1948; but I was away for several years in the United States Army Air Force.

Mr. TAVENNER. What years were you in the Air Force?

Mr. BERGER. I enlisted in December of 1943 and was discharged in November of 1945.

Mr. SCHERER. When you were in the United States Air Force were you a Communist?

(Witness conferred with counsel.)

Mr. BERGER. On the grounds that any answer to this question will be placing me in the position of being a witness against myself I will refuse to answer.

Mr. WILLIS. Did you take allegiance to the Government of the United States when you were in the Air Force?

Mr. BERGER. Absolutely, sir.

Mr. WILLIS. And you will not answer the question as to whether you were a Communist at the same time?

Mr. BERGER. The same answer.

Mr. WILLIS. Meaning what specifically? Let us get it in the record.

Mr. BERGER. As I cited to Mr. Scherer's question.

Mr. TAVENNER. Have you completed giving us a statement of the places you took your various courses and advanced training?

Mr. BERGER. No, sir. I told you that I was graduated from CCNY and I did one semester of postgraduate work at the University of Wisconsin at Madison.

Mr. TAVENNER. When was that?

Mr. BERGER. That was in September of 1948 until January of 1949.

Mr. TAVENNER. Is there anything since that?

Mr. BERGER. I enrolled for the spring semester of 1951 at Marquette University, but dropped out after several weeks of classes. I was out of school then, that is I wasn't enrolled at a college until this spring semester again at Wisconsin State although I have been doing studies in music and on a private basis for many years.

Mr. TAVENNER. Maybe I misunderstood you, but I thought you indicated in answer to my first question about your education that you had spent a number of years in religious study.

Mr. BERGER. That is correct, sir.

Mr. TAVENNER. I have not understood where that occurred, and when?

Mr. BERGER. This was from the ages of 5 or 6 until 16 continuously.

Mr. TAVENNER. You came to Milwaukee in 1949?

Mr. BERGER. That is correct.

Mr. TAVENNER. What was your purpose in coming to Milwaukee?

(Witness conferred with counsel.)

Mr. BERGER. Well, it seems like a funny question. I had no purpose other than that for almost a year I had been traveling around the country and had not settled down, and when I arrived here did not have very much intention of what I was going to do or knowledge of what I was going to do. I came to Milwaukee as I had been to a number of cities in traveling around the United States.

Mr. TAVENNER. You did not receive any suggestion by the Communist Party to locate in this area or anything of that character; is that what I understand you to mean?

(Witness conferred with counsel.)

Mr. BERGER. On advice of counsel I shall not answer the question because of the previous reason that I do not wish to find myself in the position of becoming a witness against myself.

Mr. SCHERER. Then you did not come to Milwaukee under the circumstances you told us just a few minutes ago, that you just picked out Milwaukee like you picked out any other city. That was not the truth, then, was it?

Mr. BERGER. Is that your interpretation, sir?

Mr. SCHERER. I am asking you.

Mr. BERGER. I will cite my previous answer.

Mr. SCHERER. Were you telling us the truth a few minutes ago when you said you selected Milwaukee?

Mr. BERGER. I was under oath when I made that statement, sir.

Mr. SCHERER. I am asking you were you telling the truth when you said that you just selected Milwaukee with no particular direction, no particular reason?

Mr. BERGER. I swore under oath to answer questions truthfully.

Mr. SCHERER. That is not the question. I am asking you whether you told us the truth when you said that.

Mr. Chairman, I ask that you direct the witness to answer.

Mr. DOYLE. I do, Mr. Witness. I direct you to answer the question.

(Witness conferred with counsel.)

Mr. BERGER. Of course, the answer was true.

Mr. SCHERER. It was true?

Mr. BERGER. And I say, of course, that I took the oath and I, of course, intend to abide by the oath.

Mr. SCHERER. Then, again Mr. Tavenner's question, did you come here at the instruction of the Communist Party?

Mr. BERGER. Again I cite the answer that I gave.

Mr. SCHERER. What was that answer?

(Witness conferred with counsel.)

Mr. BERGER. On the advice of counsel I decline to answer since this question may place me in such a position that I shall be a witness against myself.

Mr. SCHERER. To me your answers are totally inconsistent. If you came here with no purpose at all, you just happened to pick out Milwaukee, and then the next question is asked you whether you came here at the direction of the Communist Party and you refuse to tell us; obviously your answers are totally inconsistent.

Mr. BERGER. I am sorry you can't follow my reasoning, sir.

Mr. SCHERER. Frankly, I cannot.

Mr. BERGER. This is why I have hired counsel.

Mr. SCHERER. If you had not come here at the direction of the Communist Party would you so tell us?

Mr. BERGER. I believe I told you before how and why I came to Milwaukee.

Mr. SCHERER. I am asking you now if you had not come here at the instruction of the Communist Party would you so tell us?

Mr. BERGER. Well, I don't see that this is any different from the question I just refused to answer.

Mr. SCHERER. I ask that you direct the witness to answer.

Mr. DOYLE. I direct you, Mr. Witness. It is a different question.

Mr. BERGER. Then please repeat it.

Mr. SCHERER. If you had not come here at the direction of the Communist Party would you so tell us?

(Witness conferred with counsel.)

Mr. BERGER. I will stand on the same grounds, sir.

Mr. SCHERER. In other words, you are taking the fifth amendment?

Mr. BERGER. Yes, sir.

Mr. TAVENNER. Were you a member of the Communist Party while living in New York prior to your coming to the city of Milwaukee?

(Witness conferred with counsel.)

Mr. BERGER. I cite my previous answer, sir.

Mr. TAVENNER. Were you a member of the Communist Party while you were in attendance at the City College of New York?

Mr. BERGER. I cite my previous answer, and I would like to just extend it one step further and say that I consider these questions an invasion of my right to free speech, thought, and association under the first amendment to the Constitution, though, of course, I will refer to the fifth amendment privilege as afforded me.

Mr. SCHERER. Mr. Tavenner, when did the witness say he came to Milwaukee?

Mr. TAVENNER. In 1949.

Mr. SCHERER. Did we not have some testimony in Detroit that about that time the Communist Party sent out of New York a lot of these young fellows with educational backgrounds such as this to colonize industry?

Mr. TAVENNER. Yes, that testimony was in Flint, Mich.

Mr. DOYLE. I remember that testimony very well.

Mr. SCHERER. Some of them came out of New York. What college did he go to in New York?

Mr. TAVENNER. The City College of New York.

Mr. SCHERER. A number of them came from the City College of New York under the direction of the Communist Party.

Mr. BERGER. I take it that this isn't meant as a slur upon my former college?

Mr. DOYLE. Not at all.

Mr. SCHERER. We are quoting the testimony.

Mr. BERGER. I also take it that you are not referring to Matusow.

Mr. TAVENNER. Did he attend the City College of New York to your knowledge?

Mr. BERGER. I know nothing about that character but what I read in the newspapers.

Mr. TAVENNER. Do you know Mr. Howard Falk?

(Witness conferred with counsel.)

Mr. BERGER. I am afraid I don't.

Mr. TAVENNER. He was in attendance at the City College of New York in September 1949.

Mr. BERGER. I would say there were some 15,000 or more students at that college.

Mr. TAVENNER. Did you meet any of the students at the City College of New York who went into the Buick plant and other automobile production companies in the city of Flint prior to their leaving New York?

(Witness conferred with counsel.)

Mr. BERGER. I am afraid I just haven't made it my business or pleasure to follow the careers of anyone else in my class.

Mr. TAVENNER. Were you requested to go out into industry by any member of the Communist Party while you were in attendance at City College of New York?

(Witness conferred with counsel.)

Mr. BERGER. Sorry, sir. I will cite my previous reference in refusing to answer questions of this type.

Mr. DOYLE. In other words, merely to make your answer fuller, do you stand on the fifth amendment?

Mr. BERGER. The first and fifth amendments, sir.

Mr. SCHERER. I am beginning to think that this fellow just didn't come here to Milwaukee by accident.

Mr. BERGER. You have the right to free thought.

Mr. SCHERER. Particularly when he takes the fifth amendment to the question as to whether or not he came here at the direction of the Communist Party?

Mr. TAVENNER. What has been your employment since you have been in Milwaukee?

Mr. BERGER. It covers a great many jobs because this has been a hard-hit town for employment, that is since 1949, if you would study our economic conditions. There were long stretches of unemployment for me.

Mr. TAVENNER. Let us begin at the beginning. You arrived here at what time in 1949?

Mr. BERGER. Sometime during the summer.

Mr. TAVENNER. How soon after your arrival did you become employed?

Mr. BERGER. I don't think for many months.

Mr. TAVENNER. What was your first employment?

Mr. BERGER. God, I was doing day labor around town. I can't remember every one of them, but there are day-labor agencies in this town.

Mr. TAVENNER. What was your first place of regular employment?

Mr. BERGER. The Grede Foundry.

Mr. TAVENNER. When did your employment begin at the Grede Foundry?

Mr. BERGER. I do believe it was January or February of 1950.

Mr. TAVENNER. How long did that employment last?

Mr. BERGER. Until sometime in March, I think.

Mr. TAVENNER. March of 1950?

Mr. BERGER. Yes.

Mr. SCHERER. Before we leave that, Mr. Tavenner, I may not have listed this as carefully as I should, but what was his educational training?

Mr. TAVENNER. His educational training was in Government between 1942 and 1948, and then from September 1948 to 1949 he was at the school in the University of Wisconsin.

Mr. SCHERER. What was his training; what type of training?

Mr. TAVENNER. What was your course of training in Wisconsin?

Mr. BERGER. What studies was I taking?

Mr. TAVENNER. Yes.

Mr. BERGER. I was there for 1 semester and took 4 unrelated subjects.

Mr. SCHERER. Will you answer Mr. Tavenner's question? What subjects did you take?

Mr. BERGER. I was enrolled to do graduate work in economics.

Mr. SCHERER. What did you major in while you were at the City College of New York?

Mr. BERGER. It could be considered government and economics.

Mr. SCHERER. What type of work did you do when got this first job with the Grede Foundry Co.?

Mr. BERGER. Quite rugged labor.

Mr. SCHERER. Was that plant organized?

Mr. BERGER. By Mr. Grede, yes.

Mr. SCHERER. You know what I mean. Did they have a union in the plant?

Mr. BERGER. They had no union.

Mr. TAVENNER. How long did that employment continue?

Mr. BERGER. I would say until sometime in March if I remember accurately, Mr. Tavenner.

Mr. TAVENNER. What was your next employment?

Mr. BERGER. I became quite ill about that time and was in veterans hospital and unable to work for a long period after that.

Mr. TAVENNER. My question was what was your next employment.

Mr. BERGER. The A. O. Smith Corp.

Mr. TAVENNER. How long were you employed by that corporation?

Mr. BERGER. From the latter part of June 1950 until sometime in January of 1951.

Mr. SCHERER. What did you do at the A. O. Smith Co.?

Mr. BERGER. Not quite so rugged labor.

Mr. SCHERER. What type?

Mr. BERGER. It was manual work. They called it labor.

Mr. SCHERER. What did the A. O. Smith Co. produce?

Mr. BERGER. Automobile chassis.

Mr. SCHERER. Did they have any defense contracts?

Mr. BERGER. If they did I was unaware of them. I worked in the division producing automobile chassis.

Mr. SCHERER. Your work was entirely different from what your training had prepared you for. What you did was entirely foreign to your training in college, was it not?

Mr. BERGER. Hard work isn't terribly foreign to me; no.

Mr. SCHERER. Not foreign to you, but foreign to your training. You said you majored in government and economics. You have not told us yet the type of work you did. You just said it wasn't as hard a labor job as the other plant.

Mr. BERGER. Yes.

Mr. SCHERER. You were not trained for the work you did at A. O. Smith Co., were you?

Mr. BERGER. No; I suppose not.

Mr. SCHERER. It was foreign to your college background?

Mr. BERGER. You might say.

Mr. TAVENNER. What was your next employment after leaving A. O. Smith Co.?

Mr. BERGER. I believe that it was the Abel & Bach Corp.

Mr. TAVENNER. Have you omitted any employments that you had prior to the one time that you are now giving us?

Mr. BERGER. No, I believe I told you that if there were small jobs, two-bit, two-week jobs, I don't remember them all.

Mr. TAVENNER. Did you work at the Long Life Rug Co.?

Mr. BERGER. When?

Mr. TAVENNER. Any time?

Mr. BERGER. You are in some kind of chronological order, and I don't think you are in order.

Mr. TAVENNER. We have not arrived there yet. Excuse me. Go ahead. How long did you work at the Abel & Bach Co.?

Mr. BERGER. I would say until February or March.

Mr. TAVENNER. What year?

Mr. BERGER. Fifty-two.

Mr. SCHERER. What kind of company was this Bach corporation?

Mr. BERGER. Primarily a luggage concern and they also made television cabinets.

Mr. SCHERER. Did they have any defense contracts that you know of?

Mr. BERGER. I wouldn't think so.

Mr. SCHERER. What type of work did you do there?

Mr. BERGER. I was an inspector.

Mr. SCHERER. During the time that you worked at the companies that you have already mentioned did you engage in any Communist Party activities?

(Witness conferred with counsel.)

Mr. BERGER. At the advice of my counsel I decline to answer this question.

Mr. SCHERER. Let us make it more specific. Did you engage in any Communist Party activities in these plants?

Mr. BERGER. The same citation.

Mr. TAVENNER. After the completion of your employment at Abel & Bach in March 1952 what was your next employment?

Mr. BERGER. The Nash Body Corp.

Mr. TAVENNER. How long were you employed by Nash Body?

Mr. BERGER. I was continuously on their employment rolls from then until today.

Mr. TAVENNER. When I asked you a moment ago about your employment by the Long Life Rug. Co. you said that I was out of the proper chronology.

When, then, were you employed by the Long Life Rug Co., because you brought us up to date and you have said nothing about it?

Mr. BERGER. During one of many layoffs that workers are faced with at Nash Body Corp., and if I remember correctly it might have been sometime during 1953 for a few weeks.

Mr. SCHERER. Did you get that job at Long Life Rug Co. through the Communist Party or because of your associations in the Communist Party?

(Witness conferred with counsel.)

Mr. BERGER. Well, irrespective of what I think of the question I will decline to answer it for the same reasons that I have so far refused to answer questions of this type.

Mr. SCHERER. Who was the owner of Long Life Rug. Co.?

Mr. BERGER. I am afraid I don't accurately know.

Mr. SCHERER. Did you know Mortimer Altman?

Mr. BERGER. Did I know him? What does that mean, "did I know him?"

Mr. SCHERER. With all this education that you have had you should know what the question means, "Did you know Mortimer Altman?"

(Witness conferred with counsel.)

Mr. BERGER. I shall decline to answer the question, sir, on the grounds that I previously cited.

Mr. SCHERER. Was he not connected with the Long Life Rug Co.?

Mr. BERGER. The same answer, the same reason.

Mr. SCHERER. You knew Mortimer Altman to be a top functionary of the Communist Party in this area, did you not?

Mr. BERGER. Same answer, same reason.

Mr. SCHERER. As a result of your meeting Mortimer Altman in the Communist Party you got the job in his plant or his wife's plant?

Mr. BERGER. Same answer for the same reason.

(Witness conferred with counsel.)

Mr. SCHERER. Is it not a fact that most of the people employed there were members of the Communist Party?

(Witness conferred with counsel.)

Mr. BERGER. I decline for the same reason stated.

Mr. DOYLE. About how many employees, Mr. Berger, were there working at the same time you were? About how many, if you recall? Were there 6 or 5?

(Witness conferred with counsel.)

Mr. BERGER. No, sir, I think it was far fewer than that. It was not a thriving business. There might only have been 1 or 2. I am not saying with accuracy.

Mr. DOYLE. If there were 1 or 2, it was you, then, and Mr. Altman. Is that your recollection?

Mr. BERGER. I believe there was someone else.

Mr. DOYLE. There were three then?

Mr. BERGER. I said I can't remember.

Mr. DOYLE. Who was the employer or the boss of the activity that you engaged in at the Long Life Rug while you were there? Was it Mrs. Altman, a woman, or was it Mr. Altman?

Who was the person who gave you a check every week?

Who gave the directions of what you should do as an employee?

(Witness conferred with counsel.)

Mr. SCHERER. Who appeared to run the Long Life Rug Co.?

Mr. BERGER. Mrs. Esther Altman.

Mr. DOYLE. That is all, Mr. Tavenner.

Mr. SCHERER. Pardon me, Mr. Counsel; who is the other witness that worked at the Long Life Rug Co.?

Mr. TAVENNER. No other witness admitted, he worked there.

Mr. SCHERER. But we asked a witness.

Mr. TAVENNER. The witness previous to this, Mr. Mark Berman.

Mr. SCHERER. Do you know Mark Berman?

(Witness conferred with counsel.)

Mr. BERGER. I decline to answer, sir, for the same reasons that I have previously stated.

Mr. SCHERER. Did you see the previous witness that testified?

Mr. BERGER. I saw him, yes, sir.

Mr. SCHERER. You were in the room. Do you know that man?

Mr. BERGER. I decline to answer the question.

Mr. SCHERER. Did you ever see him before?

Mr. BERGER. Same answer, same reason.

Mr. SCHERER. Was he one of the employees at the Long Life Rug Co. at the time you were there?

(Witness conferred with counsel.)

Mr. BERGER. He was not.

Mr. SCHERER. I have no further questions.

Mr. DOYLE. I might state this for the benefit of any witnesses that are here, or counsel. We are going to finish hearing the testimony of the witness we have subpoenaed no matter if we stay here until midnight tomorrow and all day tomorrow night. We are going to finish the hearings.

Mr. TAVENNER. Mr. Berger, we have heard during the course of this hearing testimony from Mr. Ondrejka in which he advised us that Sidney Berger did considerable traveling in the State of Wisconsin visiting ministers and priests in various areas of the State for the purpose of promoting the American Peace Congress to be held in Chicago.

(Witness conferred with counsel.)

Mr. TAVENNER. Did you ever engage in work of that character?

Mr. BERGER. I can't recall hearing such testimony, but nevertheless I will decline to answer.

Mr. TAVENNER. I think possibly I have misstated the testimony. I believe his testimony was that instead of being interested in the Peace Congress that I mentioned, you visited various ministers and priests throughout the State in connection with various peace campaigns. Is that how you recall the testimony?

Mr. BERGER. I recall that this was said here this morning. Did I hear it?

Mr. TAVENNER. Yes.

Mr. BERGER. I heard it.

Mr. TAVENNER. That is substantially what the testimony was, was it not?

Mr. BERGER. Yes, that is what he said.

Mr. TAVENNER. Was he truthful in his statements with regard to your participation in that matter?

(Witness conferred with counsel.)

Mr. BERGER. Truth or falsity is not something I wish to discuss. I decline to answer the question for the reasons I have previously given in refusing to answer questions of this nature.

Mr. TAVENNER. If you are basing your answer on your disinclination to answer questions of this kind I am sure the committee would not accept that.

Mr. BERGER. Sir, I told you I was disinclined; I would not allow myself to be put in a position of testifying. This is my disinclination.

Mr. TAVENNER. Are you clearly placing yourself on the fifth amendment?

Mr. BERGER. Yes, sir.

Mr. TAVENNER. Mr. Ondrejka testified that your work in this regard was very successful. Will you tell the committee in what way it was successful if it was?

(Witness conferred with counsel.)

Mr. BERGER. I again resort, and gratefully, to the privileges afforded me by the first and fifth amendments of the Constitution of our Republic.

Mr. TAVENNER. I hand you a photostatic copy of the Daily Worker for June 28, 1951, page 5, and ask you to read a paragraph which Mr. Jones will point out to you.

(Document handed to witness.)

Mr. TAVENNER. Will you read it aloud, please, sir?

Mr. BERGER. The particularly isolated paragraph?

Mr. TAVENNER. Yes.

Mr. BERGER (reading):

In a report on a 1,600-mile tour through Wisconsin on behalf of the Peace Congress Sidney Berger wrote this week that thousands of farmers are looking towards a peace congress with hope.

Mr. TAVENNER. Did you take the trip alluded to in that news article of the Daily Worker?

Mr. BERGER. I must decline to answer for the reasons stated.

Mr. DOYLE. Mr. Tavenner, may I ask the young man this question: How in the world could your activities in the interests of world peace incriminate you? Are we not all interested in getting an enduring world peace? I would not be in Congress, for instance, 30 seconds if I was not working for that end.

If you took a 1,600-mile trip or a 100-mile trip in the interests of world peace, how in God's name could it incriminate you?

(Witness conferred with counsel.)

Mr. DOYLE. Of course, if you were traveling as an agent of the Communist Party, that is another thing, because their contention of a basis of world peace is that we lose our liberty as a freedom-loving people.

I can understand that but I am being sincere in my question. You had a wonderful religious training from the time you were 6 until you were 16, according to your own testimony. I, as a man, believing in God, can understand why you would be interested in world peace, but how in God's name could it incriminate you to say so? What are you afraid of? Could there be any criminal prosecution? I cannot conceive of a circumstance in which you could possibly be prosecuted in a criminal case because you took a 1,600-mile trip in the interests of world peace.

Mr. SCHERER. Unless as you said, Mr. Doyle, he did it as an agent of the Communist Party. That is the only conclusion you can draw then, from his refusal to answer on the ground that it might incriminate him. You cannot draw any other conclusion than that he did it as an agent of the Communist Party. Otherwise he certainly cannot take the fifth amendment and if he did, then he would be invoking the fifth amendment improperly.

Mr. DOYLE. May I be perfectly frank with you again, witness. My conception of the Communist Party representations of their basis for an enduring world peace is that they are phony reasons, a phony basis. Perhaps that is what you are thinking of when I ask you these questions. I concede that the Communist Party basis for world peace is phony and is threatening to our liberty as a freedom-loving people; but on the basis of world peace how in the world could you be prosecuted criminally?

(Witness conferred with counsel)

Mr. DOYLE. Proceed, Mr. Tavenner.

Mr. TAVENNER. Are you now a member of the Communist Party?

Mr. BERGER. The same answer, the same reasons.

Mr. TAVENNER. Have you ever been a member of the Communist Party?

Mr. BERGER. I cite my previous answer.

Mr. TAVENNER. I have no further questions, Mr. Chairman.

Mr. DOYLE. Any questions, Mr. Willis?

Mr. WILLIS. No, no questions.

Mr. DOYLE. Mr. Scherer, questions?

Mr. SCHERER. I have no questions.

Mr. DOYLE. I know you have been in the courtroom all day and therefore you will realize, witness, that I am not targeting you. Let me urge you that which I have done with the other witness. For heaven's sake get out of the Communist conspiracy. I do not care in what denomination or sect your religious training was. You apparently have had great religious training which no doubt should be a great inspiration to you.

Mr. BERGER. It is.

Mr. DOYLE. If it is, and you have just said it is, why do you not direct that great religious inspiration toward the democratic way of life instead of to a totalitarian conspiracy advocating the use of force and violence, even as late as this decision you heard me read by the great Federal judge—

(Witness conferred with counsel.)

Mr. DOYLE. November 1954. Why do you not direct it against that conspiracy instead of with it? I think you owe it to your Nation to get out of it and give your talents, which are apparently very plentiful, to your country. You did not volunteer much, but I could tell by your answers that you are pretty well read and have had a fine schooling. Young men in your generation have so much to give that you should not be taking away strength from the country that gave you birth, and that is what you are doing in the Communist conspiracy.

I think you know it, but you are afraid to take a positive position. I do hope I have not done you an injustice, but I do not think I have. I feel I would do myself an injustice if I had not taken this opportunity to say this to you because I respect every man's religion very greatly.

You are excused, Mr. Berger.

Mr. BERGER. Congressman Doyle, I had another subpoena.

Mr. DOYLE. This will take the place of that one.

Mr. BERGER. Thank you.

(Witness excused.)

Mr. TAVENNER. Mr. Murray Wolfson, would you come forward, sir?

TESTIMONY OF MURRAY WOLFSON, ACCOMPANIED BY COUNSEL, JACK GOODSITT

Mr. TAVENNER. What is your name, please, sir?

Mr. WOLFSON. Murray Wolfson, W-o-l-f-s-o-n.

Mr. TAVENNER. Will counsel please identify himself for the record?

Mr. GOODSITT. Jack L. Goodsitt.

Mr. DOYLE. Mr. Tavenner, I want to swear the witness before you begin the questioning.

Do you solemnly swear to tell the truth, the whole truth and nothing but the truth, so help you God?

Mr. WOLFSON. Yes, sir.

Mr. TAVENNER. Your name is still Mr. Wolfson?

Mr. WOLFSON. Yes, sir, it is.

(At this point, Mr. Scherer left the room.)

Mr. TAVENNER. When and where were you born, Mr. Wolfson?

Mr. WOLFSON. I was born in New York City on September 14, 1927.

Mr. TAVENNER. When did you come to Milwaukee?

Mr. WOLFSON. In September of 1950 or possibly the end of August 1950.

Mr. TAVENNER. Will you tell the committee, please, what your educational training has been?

Mr. WOLFSON. Yes, sir. I attended primary school in New York City and high school there and took a bachelor's degree, bachelor of science in economics and statistics at the City College of New York. I graduated in 1948. I entered in 1943. That period of training was interrupted by a period in the service.

Mr. TAVENNER. While you were attending the City College of New York did you become acquainted with Mr. Berger, who just left the stand, Mr. Sidney Berger?

(Witness conferred with counsel.)

Mr. WOLFSON. No, sir.

Mr. TAVENNER. Upon your arrival here in September 1950 what was your first employment?

Mr. WOLFSON. At the Geuder, Paeschket & Frey Co.

Mr. TAVENNER. In what business is that company engaged?

Mr. WOLFSON. It is engaged in fabrication of ironing boards, pots, and pans, and so on.

Mr. TAVENNER. How long were you employed by that company?

Mr. WOLFSON. I was employed there from September of 1950 until the end of that year, possibly January of the following year.

Mr. TAVENNER. What was your next employment?

Mr. WOLFSON. At the J. I. Case Co. in Racine, Wis.

Mr. TAVENNER. That took you away from Milwaukee?

Mr. WOLFSON. Yes, sir.

Mr. TAVENNER. Did you move your residence to Racine from Milwaukee?

(Witness conferred with counsel.)

Mr. WOLFSON. If you meant that I established my home in Racine, yes.

Mr. TAVENNER. When did you move to Racine?

Mr. WOLFSON. January of 1951, I imagine, it was toward the beginning, possibly before the turn of the year.

Mr. TAVENNER. How long did you continue to live in Racine?

Mr. WOLFSON. Until the fall of the following year.

Mr. TAVENNER. While you were in Racine did you learn of the existence of an organized group of the Communist Party at that place?

Mr. WOLFSON. Sir, I refuse to answer that question on the grounds that it may tend to incriminate me.

Mr. TAVENNER. Did you return to Milwaukee when you left Racine?

Mr. WOLFSON. Yes, sir.

Mr. TAVENNER. What employment did you take there?

Mr. WOLFSON. At the Heil Co. in Milwaukee.

Mr. TAVENNER. How long were you employed by that company?

Mr. WOLFSON. Two and a half years, including a 6-month layoff for lack of work.

Mr. TAVENNER. That brings you up to what date?

Mr. WOLFSON. That brings me to the summer of last year.

Mr. TAVENNER. 1954.

Mr. WOLFSON. Yes.

Mr. TAVENNER. How are you employed now?

Mr. WOLFSON. I am employed as a salesman and a bookkeeper, sir.

Mr. TAVENNER. How long have you been so employed?

Mr. WOLFSON. Roughly 6 months. Probably a little longer than that. I would have to sit and figure out the time.

Mr. TAVENNER. Did you engage in any type of educational training here in the city of Milwaukee after your arrival here in 1950?

(Witness conferred with counsel.)

Mr. WOLFSON. Sir, will you clarify that question a little bit and tell me what you mean? Do you mean public institutional training?

Mr. TAVENNER. I will be more specific about it. Did you teach in any Communist Party class or group?

Mr. WOLFSON. Sir, I refuse to answer that question on the grounds it may tend to incriminate me.

Mr. TAVENNER. Let me hand you a 1955 issue of Unity. Did you distribute the same issues of that paper at the main gate of Allis-Chalmers on March 3, 1955?

Mr. WOLFSON. Sir, I refuse to answer that question on the grounds it may tend to incriminate me.

Mr. TAVENNER. I desire to offer the document in evidence and ask that it be marked "Wolfson Exhibit No. 1," for identification purposes only, and to be made a part of the committee files.

Mr. DOYLE. It is so ordered.

That same document has been identified with another number previously, hasn't it?

Mr. TAVENNER. It has.

Mr. DOYLE. This is the one that says, "published by Wisconsin auto section, Communist Party."

Mr. TAVENNER. That is correct?

(At this point, Mr. Scherer reentered the room.)

Mr. WOLFSON. Sir, I refuse to answer that question on the ground that it may tend to incriminate me.

Mr. TAVENNER. Is it published in the city of Milwaukee?

Mr. WOLFSON. I refuse to answer that question on the grounds that it may tend to incriminate me.

Mr. TAVENNER. Are you a member of the Communist Party?

Mr. WOLFSON. I refuse to answer that question on the grounds that it may tend to incriminate me.

Mr. TAVENNER. Have you ever been a member of the Communist Party?

Mr. WOLFSON. Sir, I refuse to answer that question on the grounds that it may tend to incriminate me under the fifth amendment.

Mr. SCHERER. I was out of the room. Did this witness testify as to his present employment?

Mr. DOYLE. He said he had been a bookkeeper and salesman for the last 6 months.

Mr. WOLFSON. Roughly 6 months. I would have to figure the time.

Mr. DOYLE. What line of business is that for? Is it in some industrial plant or what?

(Witness conferred with counsel.)

Mr. WOLFSON. Will you repeat that question again, sir?

Mr. SCHERER. By whom are you employed?

Mr. WOLFSON. I refuse to answer that question on the grounds that it may tend to incriminate me.

Mr. SCHERER. Was he asked that question while I was out?

Mr. DOYLE. No.

Mr. SCHERER. Do you know John Gilman?

Mr. WOLFSON. I refuse to answer that question on the grounds that it may tend to incriminate me.

Mr. SCHERER. You are employed by him now, are you not?

Mr. WOLFSON. Sir, I refuse to answer that question on the grounds that it may tend to incriminate me.

Mr. SCHERER. Gilman is the owner of the Allied Linoleum Co., isn't he?

Mr. WOLFSON. I refuse to answer that question on the grounds that it may tend to incriminate me.

Mr. SCHERER. Isn't the Allied Linoleum Co. the center of Communist activity?

Mr. WOLFSON. Sir, I refuse to answer that question.

Mr. SCHERER. That is the reason you are taking the amendment when asked those questions?

Mr. WOLFSON. Sir, I refuse to answer that question on the grounds that it may tend to incriminate me.

Mr. DOYLE. In the interests of identification of who you are and what you are doing, I am directing you to answer the question. We are entitled to have your identity fixed and placed.

Mr. WOLFSON. Sir, I refuse to answer that question on the grounds that it may tend to incriminate me.

Mr. DOYLE. Is the company for which you are bookkeeper and salesman engaged, or has it been since you are in its employ, in furnishing supplies to the United States Government such as linoleum or any other supply?

(Witness conferred with counsel.)

Mr. WOLFSON. No. Not to my knowledge.

Mr. SCHERER. Since you have answered that question you must answer, then, by whom are you employed?

Mr. DOYLE. I instruct you to answer the question.

Mr. WOLFSON. Sir, I refuse to answer that question on the grounds that it may tend to incriminate me.

Mr. SCHERER. He can refuse but he is guilty of contempt if he does, probably. Would you direct him to answer the question?

Mr. DOYLE. I directed him to answer the question. You understood my direction to you to answer that question?

Mr. WOLFSON. Yes, sir, I did.

Mr. SCHERER. I have no further questions.

Mr. DOYLE. May I say to you briefly that which you have heard me say to the other, especially the younger men who have been witnesses before us and pleaded the fifth amendment. You are a graduate from the University of Wisconsin. That is a State institution as

I recall. Therefore you were educated with public funds. Is that not true?

Mr. WOLFSON. Yes, sir.

Mr. DOYLE. Why do you not give back to the State of Wisconsin the investment they have in you as a graduate and a major in economics? Give it back to the State of Wisconsin in the form of service to strengthen the sinews of democracy instead of weakening them by being a member of the Communist conspiracy which is worldwide. Why don't you do it and bless civilization instead of cursing it by being a member of the Communist conspiracy?

You are about the age my son would be if he hadn't been killed in the war. I do not hesitate to say that to you. You ought to be ashamed of yourself to be tied up. I would not dare say that if we did not have a record that puts you in the Communist Party and you know I would not dare say it. This little book here contains the record, and the members of the committee here have known pretty well the identity of every witness that appeared before us. So has our legal counsel. We are not shooting in the dark when we ask these questions.

Get out of it and make the Nation proud of you instead of considering you a liability along with the rest of the Communist conspirators.

May I say this to you, and you know it as a university graduate. You know when Earl Browder was deposed as chairman of the Communist Party, do you not?

Mr. WOLFSON. Are you asking me that?

Mr. DOYLE. Yes. That cannot incriminate you; that was public knowledge. You know that, do you not, as a matter of public information?

(Witness conferred with counsel.)

Mr. SCHERER. You are wasting your breath. You will make no impression upon this witness at all.

Mr. DOYLE. I just wanted to ask him.

(Witness conferred with counsel.)

Mr. DOYLE. You know that is a fact, do you not? If you do not want to answer that question, let me remind you that he was deposed shortly after the Duclos letter came to the United States. You are familiar with that, too, I am sure. I can tell by your attitude and your answers that you are perfectly familiar with the history of the Communist Party in this country since you are a young man.

That being true, you know that as a result of the Duclos letter and other things, Earl Browder was deposed in 1945 or 1946; you know that ever since that time the Communist line in this country has been force and violence, to overthrow our Nation, and I know you know it.

Yet you went into the Community Party knowing that and have stayed in it knowing that. So have the rest of the crew that have appeared before us this afternoon and pleaded the amendment. It is a guilty conscience you all ought to have. You are charged with it under this decision by the famous Judge Sullivan in Chicago.

Have you any other witness, tonight, Mr. Tavenner?

Mr. TAVENNER. No, sir.

Mr. WOLFSON. Do I understand I am dismissed?

Mr. DOYLE. Yes, you are, sir.

(Witness excused.)

Mr. DOYLE. The committee will stand in recess until 9.

All witnesses who have been subpoenaed to appear tomorrow will please be here by 9 o'clock. We will work until late tomorrow night and the next day if necessary to get our hearing concluded.

(Whereupon, at 5:50 p. m., Tuesday, March 29, 1955, the hearing was recessed to reconvene at 9 a. m., Wednesday, March 30, 1955.)

INVESTIGATION OF COMMUNIST ACTIVITIES IN THE MILWAUKEE, WIS., AREA

WEDNESDAY, MARCH 30, 1955

UNITED STATES HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE OF THE COMMITTEE
ON UN-AMERICAN ACTIVITIES,
Milwaukee, Wis.

PUBLIC HEARING

The subcommittee of the Committee on Un-American Activities met, pursuant to recess, at 9 a. m., in the marble courtroom, Federal Building, Milwaukee, Wis., Hon. Clyde Doyle (chairman of the subcommittee) presiding.

Committee members present: Representatives Clyde Doyle (chairman), Edwin E. Willis, and Gordon H. Scherer.

Staff members present: Frank S. Tavenner, Jr., counsel, and W. Jackson Jones, staff investigator.

Mr. DOYLE. Let the committee reconvene.

Let the record show that it is 9 o'clock. The full personnel of the subcommittee of the House Un-American Activities Committee is present; the distinguished gentleman from Ohio, Mr. Scherer, on my left; the distinguished gentleman from Louisiana, Mr. Willis, on my right, and I am Representative Doyle from Los Angeles, Calif., acting as subcommittee chairman.

Mr. Tavenner, will you proceed?

Mr. TAVENNER. Yes, sir. I think I should call to the committee's attention that I have just discovered that the witnesses who are subpoenaed for today are subpoenaed to appear here at 10 o'clock. It is true that you announced yesterday that the hearing would reconvene this morning at 9 o'clock, but I am not sure that all the witnesses are here. If they did not happen to be here yesterday they would have no way of knowing that.

I would like to call as the first witness, Mr. James DeWitt. Is he here?

Mr. DOYLE. Mr. DeWitt, will you please raise your right hand and be sworn? Do you solemnly swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

Mr. DEWITT. I do.

Mr. DOYLE. I want to say that we appreciate you and your counsel, Mr. DeWitt, coming this morning at 9 o'clock instead of 10, which was the hour set for the subpoena. We appreciate that cooperation.

**TESTIMONY OF JAMES DeWITT, ACCOMPANIED BY M. MICHAEL
ESSIN, COUNSEL**

Mr. TAVENNER. What is your name, please sir?

Mr. DeWITT. James DeWitt.

Mr. TAVENNER. Will counsel accompanying the witness please identify himself for the record?

Mr. ESSIN. Counsel for Mr. DeWitt is M. Michael Essin, attorney, 623 North Second Street, Milwaukee 3, Wis.

Mr. TAVENNER. When and where were you born, Mr. DeWitt?

Mr. DeWITT. I was born in Wells County, Ind., in 1905.

Mr. TAVENNER. Where do you now reside?

Mr. DeWITT. Milwaukee, Wis.

Mr. TAVENNER. What is your present occupation?

Mr. DeWITT. I am a field organizer.

Mr. TAVENNER. A field organizer for what?

Mr. DeWITT. For the United Electrical, Radio, and Machine Workers of America.

Mr. TAVENNER. Will you tell the committee, please, briefly what your formal educational training has been?

Mr. DeWITT. I had seven grades of grammar school.

Mr. TAVENNER. How long have you been field organizer for the UE?

Mr. DeWITT. About 6 years.

Mr. TAVENNER. In what district are you field organizer?

Mr. DeWITT. Wisconsin.

Mr. TAVENNER. Does it have a number, or is the name Wisconsin?

Mr. DeWITT. It is part of district No. 11.

Mr. TAVENNER. What area does district No. 11 include?

Mr. DeWITT. It includes Illinois, Wisconsin, Minnesota.

Mr. TAVENNER. Prior to the period of 6 years ago when you first became field organizer in UE, what was the nature of your employment.

Mr. DeWITT. I was a field representative for the United Farm Equipment Workers.¹

Mr. TAVENNER. The United Farm Equipment Workers merged with the UE, did it not, to form the present organization?

Mr. DeWITT. That is right.

Mr. TAVENNER. What was the date of the merger?

Mr. DeWITT. 1949, I believe.

Mr. TAVENNER. How long had you been a field organizer in the United Farm Equipment and Metal Workers Union?

Mr. DeWITT. For 9 years.

Mr. TAVENNER. What territory did your district consist of?

Mr. DeWITT. Wisconsin.

Mr. TAVENNER. That would take you back to 1940 approximately when you first became a field organizer for the Farm Equipment Workers?

Mr. DeWITT. That is right.

Mr. TAVENNER. Prior to 1940 what was your employment?

Mr. DeWITT. Field organizer for the CIO.

Mr. TAVENNER. In what area of the country?

Mr. DeWITT. Wisconsin.

¹ Reference to United Farm Equipment and Metal Workers Union, CIO.

MR. TAVENNER. What branch of the CIO was it?

MR. DEWITT. I worked for the State CIO and the national CIO both.

MR. TAVENNER. For what period of time were you so employed?

MR. DEWITT. Two years with the State CIO and 1 year at the national CIO.

MR. TAVENNER. That takes you back to about 1936?

MR. DEWITT. 1937.

MR. TAVENNER. What was the nature of your employment prior to 1937?

MR. DEWITT. Works Project Administration.

MR. TAVENNER. What was the nature of your employment with the WPA?

MR. DEWITT. Timekeeper.

MR. TAVENNER. Where?

MR. DEWITT. Milwaukee.

MR. TAVENNER. What branch or section of the WPA was it in which you were employed?

MR. DEWITT. I don't remember. It was just the WPA.

MR. TAVENNER. What was the nature of your duties as timekeeper?

MR. DEWITT. Well, a timekeeper checks people in and off the job.

MR. TAVENNER. That was actually in the field, those engaged in work?

MR. DEWITT. That is right.

MR. TAVENNER. How long were you so employed?

MR. DEWITT. About a year.

MR. TAVENNER. Prior to that what was the nature of your employment?

MR. DEWITT. Unemployment.

MR. TAVENNER. For how long?

MR. DEWITT. Since 1930.

MR. TAVENNER. Do you recall in what district of the UE the general area of Albany, N. Y., and Schenectady, N. Y., are included?

MR. DEWITT. I don't get the question. What was that?

MR. TAVENNER. Wisconsin you stated was in district 11?

MR. DEWITT. Yes.

MR. TAVENNER. What district of the UE would it be which would have jurisdiction over the area of Albany, N. Y., and Syracuse and Schenectady, N. Y.?

(Witness conferred with counsel.)

MR. DEWITT. I don't know.

MR. TAVENNER. Do you know what district of the UE it would be that has jurisdiction over Lynn, Mass.?

MR. DEWITT. I don't know. I have only worked in Wisconsin.

MR. TAVENNER. That is true, but having been a field organizer of UE for 6 years I would expect you to know something about the organization outside of your own district.

MR. DEWITT. A field organizer doesn't make policy for the union.

MR. TAVENNER. I didn't ask you any question of policy. It is true, is it not, that the field organizers from all over the UE jurisdictions are transferred from one district to another as occasion requires it?

MR. DEWITT. I have never been transferred.

MR. TAVENNER. But you do know that field organizers in other districts have from time to time been assigned to district No. 11?

Mr. DEWITT. They may have. I don't know.

(Witness conferred with counsel.)

Mr. TAVENNER. Do you know what general area of the country is embraced within district No. 9 of the UE?

Mr. DEWITT. I think it is Indiana. I am not sure.

Mr. TAVENNER. And Detroit, Mich.?

Mr. DEWITT. I don't know.

Mr. TAVENNER. Do you know who the president of district No. 9 is at the present time?

(Witness conferred with counsel.)

Mr. DEWITT. I decline to answer on the grounds I cannot be compelled to be a witness against myself under the fifth amendment.

Mr. TAVENNER. John Gojack is president; is he not?

Mr. DEWITT. Same answer.

Mr. SCHERER. Just a minute. I think you should direct him to answer that question, Mr. Chairman, as to whether he knows a fellow union official.

Mr. DOYLE. I will direct the witness to answer the question.

(Witness conferred with counsel.)

Mr. DEWITT. Same answer, the fifth amendment. It is my privilege.

Mr. TAVENNER. In what district of the UE is the general area of Ohio?

Mr. DEWITT. I don't know.

Mr. TAVENNER. Are you acquainted with Mr. Decavitch who was at one time president of the district in which Ohio is a part?

(Witness conferred with counsel.)

Mr. DEWITT. I never heard of the man.

Mr. TAVENNER. Mr. DeWitt, the committee has received considerable evidence in the areas which I have mentioned or from those areas. In 1954 and also in 1953 James Davis, an organizer in UE with his residence at Albany, N. Y., testified at length regarding Communist Party activities among organizers of the UE in the general area of Albany and also of Lynn, Mass. He gave the committee much valuable information on the subject.

Mr. Decavitch, who was president of his district of the UE in Ohio was one of the early witnesses who appeared before this committee back in 1949 or 1950 and gave this committee a great deal of valuable information regarding the same subject in the area with which he was familiar.

Now, due to the vast experience that you have had as an organizer, both within the UE and one of the organizations which merged with the UE to form the present organization, and also due to information that the committee has regarding you, we are of the opinion that you are in a position to give the committee equally valuable information regarding the extent of the operations of the Communist Party in district No. 11, or at least that part of it with which you are familiar, the State of Wisconsin, and the methods used by the Communist Party in that area, and in the field in which you are engaged.

I would like to call upon you to give the committee such facts as are within your knowledge.

(Witness conferred with counsel.)

Mr. DEWITT. Are you asking a specific question?

Mr. TAVENNER. I am asking you to cooperate with this committee in giving the facts within your knowledge regarding the Communist Party activities, extent of its operations and the methods of its operations among UE organizers in the State of Wisconsin.

First I will put the question in a general way. Are you aware of any program of the Communist Party to exert its influence in that field in district No. 11.

(Witness conferred with counsel.)

Mr. DEWITT. I exercise my rights under the fifth amendment. I cannot be compelled to be a witness against myself, decline to answer your question. I am a labor organizer, remember.

(Witness conferred with counsel.)

Mr. SCHERER. You say you are a labor organizer?

Mr. DE WITT. That is right. I have stated so before.

Mr. SCHERER. And as such you have no knowledge of Communist Party activities within the UE?

Mr. DE WITT. I exercise my rights under the fifth amendment, decline to answer. I cannot be compelled to be a witness against myself.

Mr. SCHERER. Then you are not only a labor organizer, are you?

(Witness conferred with counsel.)

Mr. DE WITT. Same answer.

Mr. SCHERER. What do you mean by the same answer?

Mr. DE WITT. Fifth amendment. I cannot be compelled to be a witness against myself.

Mr. SCHERER. When you just said in response to one of the questions Mr. Tavenner asked, that you were a labor organizer, did you mean that that was your sole occupation and duty?

Mr. DE WITT. I previously stated what my occupation was. The record will show.

Mr. SCHERER. Do you not have another occupation and duty?

(Counsel conferred with witness.)

Mr. DEWITT. Once more I have to invoke the fifth amendment.

(Counsel conferred with witness.)

Mr. DE WITT. I cannot be compelled to be a witness against myself.

Mr. SCHERER. We assume from your answer, and we can draw no other conclusion, but that you do have another occupation or activity which is of a criminal or illegal nature.

Mr. DE WITT. My asserting my rights under the fifth amendment does not presume anything.

Mr. SCHERER. It does not preclude us from drawing such conclusions either.

Mr. DE WITT. You gentlemen have the right to your own opinions.

Mr. TAVENNER. Who is the president of district 11?

(Witness conferred with counsel.)

Mr. DE WITT. Ernest DeMaio.

Mr. TAVENNER. How many field organizers are there in district 11?

Mr. DE WITT. I don't know.

Mr. TAVENNER. How many are there in the State of Wisconsin?

Mr. DE WITT. Two.

Mr. TAVENNER. We have heard testimony from Mr. James Davis, the person I mentioned a little while ago, that it was the plan of the Communist Party in Lynn, Mass., and also in upstate New York to have the organizers of the UE meet in Communist Party meetings

prior to the district meetings that were held of the UE for the purpose of discussing programs which they would endeavor to put into effect within UE.

Did you ever meet in this area in a meeting of such a kind and for such a purpose?

(Counsel conferred with witness.)

Mr. DE WITT. I decline to answer on the grounds I cannot be compelled to be a witness against myself under the fifth amendment of the United States Constitution.

Mr. TAVENNER. Let us come down to the city of Milwaukee then. As organizer of the UE in this area were you the senior representative of the UE in the city of Milwaukee?

Mr. DEWITT. There isn't any such thing. I am a field organizer as I stated previously.

Mr. TAVENNER. As field organizer you are assigned to seniority locals, are you not, to do organizational work in those locals?

(Witness conferred with counsel.)

Mr. DEWITT. I decline to answer under the grounds I cannot be compelled to be a witness against myself under the fifth amendment of the United States Constitution.

Mr. TAVENNER. What are your duties as an organizer of the UE?

(Witness conferred with counsel.)

Mr. DEWITT. The general duties of any organizer is to service the locals, handle grievances, negotiate contracts and organize workers.

Mr. SCHERER. Mr. Chairman, the question was not the duties of any organizer. We wanted to know what his duties were. That was the question.

Mr. DEWITT. The duties of an organizer in UE are identical to an organizer of any organization; to handle grievances, negotiate contracts and organize workers.

Mr. TAVENNER. You started to say service grievances in the locals. What locals were under your jurisdiction?

Mr. DEWITT. I decline to answer. Under the fifth amendment I cannot be compelled to be a witness against myself.

Mr. SCHERER. Mr. Chairman, I ask you to direct the witness to answer the question.

Mr. DOYLE. I direct you to answer the question, Mr. DeWitt.

Mr. DEWITT. The answer is the same. Under the fifth amendment I cannot be compelled to be a witness against myself.

Mr. SCHERER. The question as I understand it is what locals were under his jurisdiction. Is that right, Mr. Tavenner?

Mr. TAVENNER. Yes, sir.

Mr. DOYLE. That is the question I directed him to answer.

Mr. DEWITT. I have declined to answer under the ground that under the fifth amendment I cannot be compelled to be a witness against myself. I restate that.

Mr. SCHERER. Do you mean to tell this committee, Witness, that after you tell us here that you were an organizer for the UE, that you honestly believe it would incriminate you to tell us which locals are under your jurisdiction?

(Witness conferred with counsel.)

Mr. DEWITT. I previously stated that I decline to answer on the grounds that I cannot be compelled to be a witness against myself under the fifth amendment of the United States Constitution.

Mr. TAVENNER. Do the locals which are under your jurisdiction have bargaining contracts in plants which have defense contracts with the United States?

Mr. DEWITT. I don't know.

Mr. TAVENNER. How many locals are there of the UE which you service as organizer?

(Witness conferred with counsel.)

Mr. DEWITT. Once more I declare that I cannot be compelled to be a witness against myself under the fifth amendment of the United States Constitution. I decline to answer.

Mr. SCHERER. Mr. Chairman, I ask that you direct the witness to answer the question as to how many locals are under his jurisdiction.

Mr. DOYLE. I direct you to answer the question.

Mr. DEWITT. The answer is the same. Under the fifth amendment I decline to answer.

Mr. SCHERER. I am at a loss, Mr. Chairman, to see how telling us the number of locals that are under his jurisdiction, could possibly incriminate this witness. It is obviously using the fifth amendment in bad faith as so many of his kind do.

Mr. DOYLE. I am at an equal loss. I do not know if Mr. DeWitt was in the courtroom the first day of these hearings when I stated our position in the matter with reference to unions. I want to read that part of my statement again because I think it is apropos here possibly.

When we are questioning a witness whom we have reason to believe is active in the Communist Party, either past or present, the fact that he may be a union representative or member is no concern to us because our job is to follow the Communist Party conspiracy wherever it leads. Therefore I will read the part of the statement again :

The committee wants it understood in the conduct of its hearings it is not interested in any dispute between employer or employees or between one union or another. Neither is it interested in the internal affairs of any union. It proposes, however, to follow and uncover if it can the Communist Party activities of any person as to whom reliable information indicates Communist Party affiliation, whether that be in the field of labor or of any other field.

I want to state again, because I know there are in the audience here some guests who were not here yesterday, that we would not be questioning Mr. DeWitt along this line unless we believed we had reliable information that he has been or is an active member of the Communist Party.

The fact that he is a field representative of that great union does not deter us from following the line of the communist conspiracy in its effort to control the UE or any other union which they possibly can.

That, Mr. DeWitt, as you know, is the reason we are questioning you. I am not undertaking to hurt the union in any way. I certainly would not be sitting here as subcommittee chairman for 30 seconds if that was the purpose of this committee, because I am always endorsed for reelection by CIO and A. F. of L.—thank God not by the Communist Party which you know and I know is trying to get its filthy fingers in control of any labor union they can.

So I wish to reiterate that Congress will not be stopped nor deterred from investigating and following through, if we can, the extent of the Communist Party conspiracy and activity in the UE or any other

union where we have reliable information that that is what they have been trying to do.

Mr. SCHERER. Mr. Chairman, I think we should make this observation also at this time. In view of the questions that are being asked by members of unions I think we should say that both the CIO and the A. F. of L. have done a remarkable job in the past years in getting rid of any Communist influence that may have raised its head (witness conferred with counsel) in those unions. They have been able to do so in some instances as the result of testimony taken before this committee and the committees of the Senate.

Mr. DOYLE. I am glad you made that observation, Mr. Scherer, and I wish to state here that while I do not have the text of Mr. Walter Reuther's release of about a year ago, I remember having that text before me when our committee hearings were held in Seattle, Wash., and I read that text in which Mr. Walter Reuther urged all members of labor unions under CIO to cooperate with congressional committees and if they possibly could, conscientiously, to refrain from using the fifth amendment.

Proceed, Mr. Tavenner.

Mr. TAVENNER. Are you aware of the fact, Mr. DeWitt, that the headquarters of the Communist Party for the State of Wisconsin for the past 6 years have been located in the city of Milwaukee?

Mr. DEWITT. I decline to answer on the grounds I cannot be compelled to be a witness against myself under the fifth amendment.

Mr. TAVENNER. Were you personally acquainted with the chairman of the Communist Party for the State of Wisconsin, Jack Kling, who was succeeded by Sigmund Eisenscher?

Mr. DEWITT. I decline to answer on the grounds I cannot be compelled to be a witness against myself under the fifth amendment of the United States Constitution.

Mr. TAVENNER. Were you acquainted with Fred Blair, a functionary of the Communist Party here?

Mr. DEWITT. Same answer. Under the fifth amendment of the United States Constitution I cannot be compelled to be a witness against myself.

Mr. TAVENNER. Did you from time to time confer with any of these individuals, those that I have asked you about, in connection with the performance of your duties as a field organizer of the UE?

Mr. DEWITT. I decline to answer. I cannot be compelled to be a witness against myself under the fifth amendment.

Mr. TAVENNER. We have the testimony here, Mr. DeWitt, that you requested Mr. Michael Ondrejka to come to see you about a matter, and that you addressed him through his wife, a well-known member of the Communist Party in this area. Is that true or false?

Mr. DEWITT. I decline to answer. I cannot be compelled to be a witness against myself under the fifth amendment.

Mr. TAVENNER. Did you get in touch with the former Lil Rody, subsequently the wife of Mr. Ondrejka?

Mr. DEWITT. The same answer. Under the fifth amendment I cannot be compelled to be a witness against myself.

Mr. TAVENNER. Mr. Ondrejka testified to this committee that at a social function of the Communist Party he was advised by the two highest ranking Communist officials in the State of Wisconsin, one being Jack Kling and the other being Fred Blair, that you wanted to

see him. We would be very much interested to know the circumstances under which you sought to interview Mr. Ondrejka and communicated that desire through the head of the Communist Party of the State of Wisconsin. If it be true will you tell us?

Mr. DEWITT. I decline to answer. Under the fifth amendment I cannot be compelled to be a witness against myself.

Mr. TAVENNER. Did you have a conference with Jack Kling or Fred Blair with regard to Mr. Ondrejka?

Mr. DEWITT. I decline to answer under the fifth amendment. I cannot be compelled to be a witness against myself.

Mr. TAVENNER. Mr. Ondrejka has testified that after receiving the suggestion from his wife and after having been directed by the two executive heads of the Communist Party in the State of Wisconsin to come to see you, he did go to see you on the following Tuesday, and at that conference you indicated that you were expecting him. Did you have such a conference with him?

Mr. DEWITT. I decline to answer on the grounds that I cannot be compelled to be a witness against myself under the fifth amendment of the United States Constitution. Thank God we got that amendment, too.

Mr. TAVENNER. You mean thank God because you feel that you can hide behind the fifth amendment and not give this committee the answers to the important questions it is asking you.

Mr. DEWITT. Thank God the fifth amendment protects the innocent as well as the guilty.

Mr. DOYLE. We will join you in that, Mr. DeWitt. We join you in that observation.

Mr. TAVENNER. Were you aware that a young man by the name of Joe Preloznik who was in one of the local unions which you were required to service as a field organizer of the UE was attending the Marquette Labor School?

(Counsel conferred with witness.)

Mr. DEWITT. I don't understand your question. What are you asking me?

Mr. TAVENNER. I say were you aware that Mr. Joe Preloznik was attending the Marquette Labor School?

Mr. DEWITT. I decline to answer. I cannot be compelled to be a witness against myself under the fifth amendment.

Mr. TAVENNER. We were advised by Mr. Ondrejka that you did not want this young man to be attending the school. Is that true or is it false?

Mr. DEWITT. I decline to answer under the fifth amendment. I cannot be compelled to be a witness against myself.

Mr. TAVENNER. Mr. Ondrejka has testified that functionaries of the Communist Party after that time brought a great deal of pressure upon him, Mr. Ondrejka, to appear before the union and do everything he could to embarrass that young man and to discredit him before the eyes of the rank-and-file members of local 1111. Did you have any knowledge of that?

Mr. DEWITT. I decline to answer under the fifth amendment.

Mr. TAVENNER. Did you partake in any way in the formulation of a plan to injure that young man in his union?

Mr. DEWITT. Same answer under the fifth amendment. I cannot be compelled to be a witness against myself.

(At this point, Mr. Scherer left the room.)

Mr. TAVENNER. Are you at this time a member of the Communist Party?

Mr. DEWITT. I decline to answer on the grounds that I cannot be compelled to be a witness against myself.

Mr. TAVENNER. Have you ever been a member of the Communist Party?

Mr. DEWITT. I decline to answer. The same answer under the fifth amendment; I cannot be compelled to be a witness against myself.

Mr. TAVENNER. Were you a member of the Communist Party as early as 1936?

Mr. DEWITT. I decline to answer under the same provision as before, the fifth amendment.

Mr. TAVENNER. Mr. Sigmund G. Eisenscher testified before the committee that he was a candidate for Governor of the State of Wisconsin. I am advised that he may have refused to testify to that. I thought he had so testified; but you know, do you not, that he was a candidate for Governor in this State?

(Witness conferred with counsel.)

Mr. DEWITT. Decline to answer under the fifth amendment; I cannot be compelled to be a witness against myself.

Mr. TAVENNER. That is a matter of record in which his name was on the ticket. There should be no reason for your declining to testify as to something which is public knowledge. Will you reconsider your answer?

Mr. DEWITT. Same answer.

Mr. TAVENNER. I hand you a document entitled, "Nomination Paper."

(Witness conferred with counsel.)

Mr. TAVENNER. I will ask you to state what it is.

(Document handed to witness.)

(At this point Mr. Scherer returned to the room.)

(Witness conferred with counsel.)

Mr. DEWITT. Well, it purports to be nomination papers, Independent and nonparty and candidates.

Mr. TAVENNER. Read it, please.

Mr. DEWITT. It purports to be [reading]:

Milwaukee, Wis., Governor, name of candidate: Sigmund G. Eisenscher.

Mr. TAVENNER. Continue to read.

Mr. DEWITT. What else do you want me to read? Should I read the whole thing?

Vocation: Salesman—

anything else?

Mr. TAVENNER. Keep reading.

Mr. DEWITT (reading):

Resident post office address of nominee: 3131 West Wells Street, Milwaukee.
Principle represented: Communist.

Mr. TAVENNER. Do you see your name as one of the signers of the petition about three-quarters of the way down?

(Witness conferred with counsel.)

Mr. DEWITT. I am reading here a name.

Mr. TAVENNER. What is that name?

Mr. DEWITT. It says, "James DeWitt."

Mr. TAVENNER. What address does it say that name has?

Mr. DEWITT. "1621 West Wells Street."

Mr. TAVENNER. Whose address is that?

Mr. DEWITT. I don't know. It purports to be this guy's address here.

Mr. TAVENNER. Where do you live?

Mr. DEWITT. 1621 West Wells Street.

Mr. TAVENNER. Same address. Are there two James DeWitts living at that address?

Mr. DEWITT. Not that I know of.

Mr. TAVENNER. You do not know of any other one at that address except yourself?

Mr. DEWITT. I certainly don't.

Mr. TAVENNER. Did you sign the petition?

Mr. DEWITT. I decline to answer under the fifth amendment.

Mr. TAVENNER. I desire to offer the document in evidence and ask that it be marked "DeWitt Exhibit No. 1," for identification purposes only, and to be made a part of the committee files.

Mr. DOYLE. It is so ordered.

(The document referred to was marked "DeWitt Exhibit No. 1," received in evidence, and filed for the information of the committee.)

Mr. TAVENNER. Were you a member of the Communist Party at the time of the filing of this petition?

(Witness conferred with counsel.)

Mr. DEWITT. I decline to answer under the fifth amendment. I cannot be compelled to be a witness against myself.

Mr. TAVENNER. I have no further questions, Mr. Chairman.

Mr. DOYLE. Do you have questions, Congressman Willis?

Mr. WILLIS. No questions.

Mr. DOYLE. Do you have questions, Congressman Scherer?

Mr. SCHERER. Just one moment.

Mr. DOYLE. Proceed, Mr. Tavenner.

Mr. TAVENNER. We had considerable testimony here, Mr. DeWitt regarding the operation of the Civil Rights Congress. Were you one of the original organizers of the Civil Rights Congress in this area?

Mr. DEWITT. I decline to answer on the grounds that I cannot be compelled to be a witness against myself under the fifth amendment.

Mr. DOYLE. What is the status, Mr. Tavenner, of the Civil Rights Congress?

Mr. TAVENNER. At the present time?

Mr. DOYLE. Yes.

Mr. TAVENNER. Mr. Chairman, I would hesitate to testify on the subject except to say that it is a cited organization.

Mr. DOYLE. That is what I mean. It was cited when, and by whom?

Mr. TAVENNER. It was cited as subversive and Communist by Attorney General Tom Clark by letter released by him on December 4, 1947, and again September 21, 1948.

Cited as an organization formed in April 1946 as a merger of two other Communist-front organizations (International Labor Defense and the National Federation for Constitutional Liberties); "dedicated not to the broader issues of civil liberties, but specifically to the defense of individual Communists and the Communist Party" and "controlled by individuals who are either members of the Communist Party or openly loyal to it."

That was the citation by the Committee on Un-American Activities Report No. 1115, September 2, 1947. When I stated what I did about

the present organization I thought you had reference to the present organization here in the city of Milwaukee.

Mr. DOYLE. I referred to the documented record.

Mr. TAVENNER. I would hesitate to express any opinion about it. We do have a witness subpoenaed who is thought to be its present executive secretary.

Were you a member of the Civil Rights Congress?

Mr. DEWITT. I decline to answer under the fifth amendment. I cannot be compelled to be a witness against myself.

Mr. TAVENNER. Were you convicted of violating the corrupt practices law of the State of Wisconsin in 1947 with relation to a campaign for election of Edmund Barberich, candidate for Congress from Milwaukee?

(Witness conferred with counsel.)

Mr. DEWITT. That is right.

Mr. TAVENNER. Were you carrying out in connection with that offense for which you were convicted any directives of the Communist Party?

(Witness conferred with counsel.)

Mr. DEWITT. I decline to answer on the grounds I cannot be compelled to be a witness against myself under the fifth amendment.

Mr. TAVENNER. I have no further questions, Mr. Chairman.

Mr. DOYLE. Any questions, Congressman Willis?

Mr. WILLIS. No questions.

Mr. DOYLE. Any questions, Congressman Scherer?

Mr. SCHERER. No questions.

Mr. DOYLE. Mr. DeWitt, I wish to remark briefly to you what I have said to other witnesses who claimed the fifth amendment. In doing so may I make this observation in a preliminary way: I am very sure that I, as a member of the United States Congress for going on 9 years now in my native State of California, am only one of the large number of men and women there who appreciate the great service which organized labor has done and is doing toward raising the standards of living for the working people of our great nation.

We are quite aware of the fact that the Communist Party conspiracy in this country is part and parcel of the same conspiracy that is world-wide. When I was last in Europe and Asia for Congress officially, I was privileged to ask many American ambassadors, American consuls and foreign intelligence, and our own American intelligence whether or not, in their judgment, there is any connection between the military and subversive aggression in Korea and Indonesia and other parts of the world emanating from the Soviet Union and the same subversive conspiracy in the United States of America, and they all told me it was one and the same program to try to ultimately take over the economic, social, and political control of the whole world.

I make that statement to you, sir, because you are reputed to be one of the most able and most active organizers in the field of UE. Therefore, you are in a position to do more good than most men and also more harm.

Therefore, I just want to say very sincerely, but vigorously, to you, why do you not get out of any connection you have directly or indirectly with the Communist Party and Communist conspiracy?

(Witness conferred with counsel.)

Mr. DOYLE. I would not say that, if we did not think we had a record as a tie-in between you and it. I pray you to get out of that sort of connection if it still continues this morning and do all you can to strengthen the bonds of democracy within the great UE organization, instead of doing anything that would lead any of your members to think less of our great Nation by reason of emphasizing what the Communist conspiracy does and which was reflected last night by one of the known Communists in this room when he went out of this room and called the witness fee, \$6 which is allowed by Congress, a scab. I should think the red blood of any patriotic American would rise up and so sharply discountenance that sort of conduct on the part of any American that he would find it entirely too hot to be allowed to stay in organized labor in any connection.

So I want to tell you, Mr. DeWitt, as I have the other witnesses who have pleaded the fifth amendment, that we fight for the fifth amendment perhaps more than any other group in the country unless it be the courts or the bar associations.

I want to urge you to get out of the Communist conspiracy if you still maintain this morning any contact with it whatsoever, direct or indirect, and put your native ability as a great union leader toward strengthening the sinews of organized labor instead of letting the Communist conspiracy get ahold any further than they have.

Wipe it out. Erase it.

I want to ask you just one question: Did you ever participate in the Communist Party caucus in connection with the elections or program of the UE in Wisconsin prior to the holding of the elections?

Mr. DEWITT. I decline to answer under the fifth amendment. I cannot be compelled to be a witness against myself, Mr. Chairman.

Mr. DOYLE. That is all.

Mr. DEWITT. Mr. Chairman, you have said I am in a position to do a great deal of good. Thousands of people in the State of Wisconsin will testify to the good I have done for them. That represents the policy of the union I work for.

Mr. DOYLE. We compliment you on all of the non-Communist programs which the UE and you have fostered. I compliment you on them, but to the extent which you have been a part directly or indirectly of cooperating or furthering the Communist program in the State of Wisconsin and the UE, I condemn that activity and I condemn UE for allowing it if they have.

Mr. DEWITT. Mr. Chairman, I have been in the labor union for 18 years. I stay there because the people want me there because I have done a lot of good for those people.

Mr. DOYLE. Thank you very much. The witness is excused.
(Witness excused.)

Mr. TAVENNER. Mr. John Gilman.

Mr. ESSIN. May I say for Mr. Gilman's attorney, Mr. Brawley, that he was sitting next to me in the afternoon and he wasn't here when the chairman of the committee made his announcement about when the hearing would start this morning.

Mr. TAVENNER. I have been told that he is here now.

Mr. GILMAN. My attorney will be here [displaying medal collection].

Mr. DOYLE. Just put that under cover, sir. We are not going to allow this to be a sideshow. That is not involved in this hearing.

Mr. GILMAN. I will put it under cover. I want it to be next to me.

Mr. DOYLE. We are not going to allow you to come here and make a sideshow.

Mr. GILMAN. May I sit down, sir?

Mr. DOYLE. Not just yet. Go back until we call on you.

Mr. TAVENNER. Do you want a few more minutes before we call you?

Mr. GILMAN. It is perfectly all right. My attorney is parking his car and will be here any moment.

Mr. DOYLE. I think you will need an attorney. We will wait until he gets here. We will take 5 minutes' recess.

(Whereupon, a brief recess was taken.)

Mr. DOYLE. The committee will reconvene.

The record will show that all committee members are present.

Is Mr. Gilman's legal counsel here?

Mr. BRAWLEY. Yes, I am his counsel.

Mr. DOYLE. Is your client here?

Mr. BRAWLEY. I assume so.

Mr. DOYLE. Mr. Tavenner, are you ready?

Come forward, Mr. Gilman. Will you raise your right hand and be sworn. Do you solemnly swear to tell the truth, the whole truth and nothing but the truth, so help you God?

Mr. GILMAN. I do, sir.

Mr. DOYLE. Please be seated.

TESTIMONY OF JOHN GILMAN, ACCOMPANIED BY GEORGE R. BRAWLEY, COUNSEL

Mr. TAVENNER. What is your name, please, sir?

Mr. GILMAN. My name, sir, is John Gilman.

Mr. TAVENNER. It is noted that you are accompanied by counsel. Would counsel please identify himself for the record?

Mr. BRAWLEY. George R. Brawley, 623 North Second Street.

Mr. TAVENNER. When and where were you born, Mr. Gilman?

Mr. GILMAN. I was born on September 16, 1920, in a town called Chester, Pa.

Mr. TAVENNER. Are you now a resident of Milwaukee?

Mr. GILMAN. I am, sir.

Mr. TAVENNER. When did you move to Milwaukee?

Mr. GILMAN. I moved to Milwaukee in 1948.

Mr. TAVENNER. The committee is informed that prior to that time you were a member of the armed services of the United States and you served with distinction for 9 months in Europe; you were a machinegunner; you were awarded the Distinguished Service Cross with Silver Star, a combat infantryman's badge, the Purple Heart, and the Distinguished Unit Citation. That is true, is it not?

Mr. GILMAN. That is partially true, sir. There are other unit citations and other awards which weren't included.

Mr. DOYLE. Tell us the other awards you were given.

Mr. GILMAN. Is that a question? I mean do you insist on that? Is that an insistence?

Mr. DOYLE. We believe you want to tell us, so go ahead.

(Witness conferred with counsel.)

Mr. GILMAN. There are 4 combat stars awarded for 4 distinct battles. The Rhineland, the invasion of Normandy—I am not giving them in order, sir—Central Europe and northern France. There is also a regimental citation which was read to the troops, and there is also a battle-ground citation which was read to the troops of which I have been able to get copies while overseas which I didn't bring with me or didn't feel it was necessary to make a record of that to the committee.

There is a clasp with the Good Conduct Medal, and I might say in this regard that some people don't value the Good Conduct Medal or they don't think it is too valuable in the Army because it is a matter of practice for an average soldier to get the Good Conduct Medal. I valued the Good Conduct Medal because it also includes fidelity. I got that with a clasp which means 2 Good Conduct Medals.

There was also—did you mention the Presidential Citation? That is a distinguished unit citation. You did mention that, sir. You mentioned the Purple Heart and the cluster.

Mr. TAVENNER. Yes, I mentioned the Purple Heart but not the cluster.

Mr. GILMAN. That is an additional Purple Heart.

I think that just about covers my citations outside of other parts of my Army record.

Mr. TAVENNER. That is a very full and distinguished record.

Mr. DOYLE. Mr. Counsel, may I make this clear to this distinguished veteran, that Congress is always glad to recognize not only men that have been decorated in war, but any man who served patriotically in war whether he was decorated or not. Some of us have knowledge of boys who fought so that men like you might live and in order that we might live. We in Congress conceive it is the veteran's duty to come home and be patriotic in peace as well as to serve and win medals in time of war.

We are glad you are here, and now our legal counsel will question you on what we find our duty in peacetime, Mr. Gilman, which is to get your cooperation and your help as a decorated veteran in uncovering groups of people who would subvert and destroy our Nation which you fought to preserve.

Proceed, Mr. Tavenner.

Mr. SCHERER. These citations were all in the Second World War, were they not, Mr. Tavenner?

Mr. TAVENNER. Yes.

Mr. SCHERER. That was when we were a cobelligerent with Communist Russia against Nazi Germany, was it not?

Mr. TAVENNER. Yes, sir.

Mr. Gilman, the committee has received testimony as to the activities of Josephine Nordstrand as head of the Civil Rights Congress in the city of Milwaukee, and the committee has information that you succeeded her as the executive secretary of that organization, and that you are presently the executive secretary of it. Am I correct, in that you are the present executive secretary?

(Witness conferred with counsel.)

Mr. GILMAN. Mr. Counsel or Mr. Chairman, with all due respect to the lawmaking body, the House of Representatives and to all our institutions in our Nation, and to our Constitution and our Bill of Rights, I will have to answer that question in a refusal on the basis of the fifth amendment because such an answer may tend to incriminate me.

Mr. TAVENNER. Mr. Gilman, have you been associated in Milwaukee with the American Committee for Protection of Foreign Born?

Mr. GILMAN. Mr. Counsel or/and Mr. Chairman, distinguished colleagues, with all due respect to our American institutions, including the House of Representatives and the Senate and the President and the Judiciary and our Constitution and the Bill of Rights I will invoke amendment No. 5 on the basis that I cannot answer that question. It may tend to incriminate me.

(Witness conferred with counsel.)

Mr. SCHERER. Did you ask the witness about his educational background?

Mr. TAVENNER. No, sir, I have not done so yet.

Mr. Gilman, the committee was very much interested in Eisenscher Exhibit No. 1 which is an application for post office box which was used by Communist Party headquarters for the State of Wisconsin. The date of that application was as late as September 30, 1954. As a result of the filing of that application Mr. Eisenscher was assigned box No. 1088. He gave your name as one of the references at the time he made that application.

I hand you a photostatic copy of a card——

(Witness conferred with counsel.)

Mr. TAVENNER. Purporting to be verification of reference of applicant for box bearing date of August 30, 1954.

Will you look at it, please?

(Document handed to witness.)

Mr. TAVENNER. Will you state whether or not it is your verification of Mr. Sigmund G. Eisenscher——

(Witness conferred with counsel.)

Mr. TAVENNER. By reason of his having given you as a reference?

Mr. GILMAN. Mr. Counselor, Mr. Chairman, I refuse to answer that question on the very same basis that I have stated before; that it may tend to incriminate me, article V, Bill of Rights.

Mr. TAVENNER. Will you examine the document again, please, and state whether or not you see a signature at the bottom of it?

Mr. GILMAN. Yes.

Mr. TAVENNER. You do see one?

Mr. GILMAN. Yes.

Mr. TAVENNER. What is the name appearing there?

Mr. GILMAN. You wish me to read from the document?

Mr. TAVENNER. Yes.

Mr. GILMAN. I will do so. "John Gilman."

Mr. TAVENNER. It is in handwriting; is it not?

Mr. GILMAN. It appears to be so.

Mr. TAVENNER. There is no doubt about that; is there?

Mr. GILMAN. No, there is no doubt in my mind that it is handwriting.

Mr. TAVENNER. Is it your handwriting?

Mr. GILMAN. I wouldn't swear to it. I couldn't say.

Mr. TAVENNER. You mean you are doubtful as to whether or not that is your signature?

Mr. GILMAN. I refuse to answer that question, Mr. Counselor. I couldn't say. It may be.

Mr. DOYLE. Why do you not come out and give an honest to God truthful answer? You know whether or not it is. Why do you not

help your Government? This is a straight across-the-table question. Why do you hedge on it? Why do you not tell counsel whether or not it is?

Mr. GILMAN. My answer to that, Mr. Chairman, is I stand on my constitutional rights. I do not wish to be incriminated by my own testimony and that is why we have the fifth amendment which I am invoking.

Mr. TAVENNER. Were you acquainted with Mr. Sigmund G. Eisenscher on August 30, 1954?

(Witness conferred with counsel.)

Mr. GILMAN. Mr. Counselor, Mr. Chairman, I wish to state that I refuse to answer this question on the same basis that I just answered the previous question, article V of the Bill of Rights, on the basis that such an answer might tend to incriminate me.

Mr. TAVENNER. Did you know on August 30, 1954, that Mr. Sigmund Eisenscher was the chairman of the Communist Party for the State of Wisconsin?

(Witness conferred with counsel.)

Mr. GILMAN. Mr. Chairman, I am once again invoking the fifth amendment on my answer to that question on the basis that it may tend to incriminate me.

Mr. DOYLE. This is the document, is it not, where I think the witness was asked about the signature, and he said it may be. Is that the one?

Mr. GILMAN. Yes, sir.

Mr. DOYLE. You verified that instrument, Witness?

Mr. GILMAN. I verified nothing, sir. I just said it may be.

Mr. DOYLE. You ought to know your own signature.

Mr. TAVENNER. This verification card is for the purpose, Mr. Chairman, of obtaining this information.

"Will you kindly advise this office if, in your judgment, the applicant is responsible and trustworthy." The document is signed as indicated by the witness.

Did you at any time serve on a commission of the Communist Party which had for its purpose the disciplining of a member of the Communist Party even by expulsion if necessary?

Mr. GILMAN. Mr. Chairman, Mr. Counselor, I am invoking article V of the Bill of Rights on the basis that any answer I might give may tend to incriminate me.

Mr. TAVENNER. Were you one of a group called the security commission of the Communist Party in the city of Milwaukee at any time since 1950?

Mr. GILMAN. Mr. Counselor, Mr. Chairman, I am invoking the fifth amendment for the same reason, that I previously stated.

Mr. TAVENNER. Were you 1 of 2 or 3 persons who expelled Merle Snyder from the Communist Party in 1950?

Mr. GILMAN. Mr. Counselor, Mr. Chairman, I am invoking the fifth amendment for the same previous reason.

Mr. TAVENNER. Do you know whether Mr. Merle Snyder was given an opportunity to answer charges preferred by the Communist Party or given any semblance of a trial?

Mr. GILMAN. Mr. Counselor, Mr. Chairman, I am invoking article V of the Bill of Rights on the basis it may tend to incriminate me.

Mr. TAVENNER. Did you grant Mr. Snyder any rights of any kind in the matter then deemed very important to him?

Mr. GILMAN. My previous answer was that I invoked the Bill of Rights, the fifth amendment. It is my present answer for the same reason.

Mr. DOYLE. You had better be careful. You will overwork that fifth amendment.

Mr. SCHERER. Do you deny, Witness, that you knew Merle Snyder? (Witness conferred with counsel.)

Mr. GILMAN. I have the same answer as the previous question, sir, the fifth amendment on the basis it may tend to incriminate me.

Mr. SCHERER. Mr. Snyder, would you stand up, please? Witness, would you look at that gentleman to your left?

Mr. DOYLE. Do not plead the amendment as to whether or not to take a look at him.

(Witness conferred with counsel.)

Mr. DOYLE. You have not looked at him yet.

[Witness turns.]

Mr. SCHERER. Would you tell us how well you knew him?

(Witness conferred with counsel.)

Mr. GILMAN. I state as I stated before I stand on my constitutional grounds. I am invoking the fifth amendment on the basis that any answer might tend to incriminate me along that line.

Mr. SCHERER. The fact is that you knew Merle Snyder while both of you were members of the Communist Party, did you not?

Mr. GILMAN. Is that a question, sir?

Mr. SCHERER. Is that not a fact? That is my question.

Mr. GILMAN. I invoke the fifth amendment for the previous reason.

Mr. TAVENNER. Were you acquainted with James R. Eggleston?

Mr. GILMAN. Mr. Counselor, Mr. Chairman, I am citing the fifth amendment as a reason for not answering that question on the basis that any testimony I give may tend to incriminate me.

Mr. TAVENNER. Mr. Eggleston identified you as a person known to him to have been a member of the Communist Party. Do you desire to refute that or explain it in any way?

Mr. GILMAN. I stand on my constitutional grounds in refusing to answer that question, sir, by invoking article V of the Bill of Rights.

Mr. TAVENNER. Were you a member of the Communist Party at any time while you were affiliated with the Civil Rights Congress?

Mr. GILMAN. Mr. Counsel, and Mr. Chairman, I am invoking the fifth amendment in refusing to answer that question on the basis that any answer that I give may tend to incriminate me.

Mr. SCHERER. Was Mr. Eggleston's testimony about your connection with the Communist conspiracy false?

Mr. GILMAN. Mr. Scherer, I am invoking article V of the Bill of Rights in my answer to that question and my reason was stated previously.

Mr. SCHERER. You knew Jim Eggleston well, did you not?

Mr. GILMAN. I am invoking article V of the Bill of Rights on the same answer that I stated previously.

Mr. SCHERER. I understand here that you are not denying any of the testimony that Jim Eggleston gave about you, are you?

Mr. GILMAN. Is that a question, sir?

Mr. SCHERER. That is a question. You understand.

Mr. GILMAN. Mr. Scherer, I am invoking the fifth amendment for the same previous reason.

Mr. SCHERER. Look to your left, there, at the gentleman seated closest to you.

Mr. DOYLE. Look at him before you plead the amendment.

(Witness conferred with counsel.)

Mr. GILMAN. I was conferring with counsel.

Mr. DOYLE. You have a perfect right to do so. He is a very distinguished counsel. I am glad you are here, counsel.

Mr. SCHERER. Stand up, Jim.

Mr. GILMAN. Oh.

Mr. DOYLE. I notice that you were surprised at who it was.

Mr. GILMAN. No; I was surprised because he was right next to me and I was looking back there, sir.

Mr. SCHERER. You know Jim Eggleston, do you not?

Mr. GILMAN. Mr. Scherer, I am invoking the fifth amendment for the same previous reasons.

Mr. SCHERER. You knew Jim Eggleston when both of you were active in the Communist Party, did you not? The only thing you did not know was that he was an undercover agent for the FBI, is that right?

Mr. GILMAN. Mr. Scherer, with all due respect to your office I am invoking my constitutional right of the fifth amendment in answer to that question for the same previous reason.

Mr. TAVENNER. Did you come to Milwaukee in 1947?

Mr. GILMAN. That is right, sir.

Mr. TAVENNER. What had been your educational training prior to your coming to Milwaukee?

Mr. GILMAN. When I was 6 years old—

Mr. TAVENNER. You need not go back that far. Do you have college training?

Mr. GILMAN. Yes, sir.

Mr. TAVENNER. Where?

Mr. GILMAN. I attended the University of Wisconsin and I received the bachelor of science degree and I also attended the graduate school for one-half year.

Mr. TAVENNER. When did you obtain your degree at Wisconsin?

Mr. GILMAN. I obtained my degree of bachelor of science, I believe it was in 1948, February, sir.

Mr. TAVENNER. What was your specialty in the postgraduate school? What were you specializing in?

Mr. GILMAN. I entered the university earlier in 1938 and engaged in 1 year of engineering, mechanical engineering. I returned from the Army and switched over, changed my course to letters and science, majoring in economics.

Mr. TAVENNER. Did you follow the same field in your post-graduate studies?

Mr. GILMAN. Yes, sir.

Mr. TAVENNER. Then in 1948 or 1949 you returned to Milwaukee?

Mr. GILMAN. I returned to Milwaukee in May, the latter part at the end of my post-graduate semester of 1948, sir.

Mr. TAVENNER. How did you become employed after your return to Milwaukee?

Mr. GILMAN. I opened up a floor-covering establishment when I came to Milwaukee.

Mr. TAVENNER. Are you still engaged in the same business?

Mr. GILMAN. Yes, sir.

Mr. DOYLE. What is the name of that business?

Mr. GILMAN. The Allied Linoleum Store, sir.

Mr. DOYLE. Was the address of that store the address you gave when you maybe signed that post office verification?

Mr. GILMAN. I am not familiar with the address, sir.

Mr. DOYLE. You saw the address on the post office verification when you said maybe that was your signature. I would like to know whether that was the address of your store or your residence.

(Witness conferred with counsel.)

Mr. DOYLE. Will you refresh the witness' memory as to the address that is on the verification, please, Mr. Tavenner?

Mr. TAVENNER. Yes, sir; 1860 North Prospect Avenue.

(Witness conferred with counsel.)

Mr. DOYLE. Was that your residence at that time or your store at that time?

(Witness conferred with counsel.)

Mr. TAVENNER. Mr. Chairman, I think the address which I have given is indicated on the application by Mr. Eisenscher as his address rather than the address of this witness. There is no address of this witness on the document I asked him to identify.

Mr. DOYLE. All right, thank you; my mistake.

Mr. TAVENNER. It is noted, Mr. Gilman, that you are a person who has had considerable educational advantages, that you have been in business for yourself from the very termination of your educational training until the present time. There is no record of any unemployment in your case or any difficulty in obtaining work to do. I want to ask you whether or not you became a member of the Communist Party before you came to Milwaukee?

Mr. GILMAN. Mr. Counselor, Mr. Chairman, I am invoking the fifth amendment of our Bill of Rights on the basis that what I might say might tend to incriminate me.

Mr. TAVENNER. Did you become a member of the Communist Party in Dane County, Wis.?

Mr. GILMAN. I am invoking the very same amendment, sir, for the very same reason to that question, sir.

Mr. TAVENNER. Were you a member of the Young Progressives of America while in attendance at the University of Wisconsin?

Mr. GILMAN. I am invoking the fifth amendment to that question, sir, on the grounds that it may tend to incriminate me.

Mr. TAVENNER. Are you now a member of the Communist Party?

Mr. GILMAN. I am invoking article V of the Bill of Rights for the same reason as I stated previously.

Mr. TAVENNER. Were you a member of the Communist Party at any time?

Mr. GILMAN. Mr. Counselor, and Mr. Chairman, I am invoking article V of the Bill of Rights for the same reason as previously mentioned two questions back.

Mr. TAVENNER. I have no further questions, Mr. Chairman.

Mr. DOYLE. Congressman Willis?

Mr. WILLIS. No questions.

Mr. DOYLE. Congressman Scherer.

Mr. SCHERER. Both Sid Berman and Sigmund Eisenscher were employed by you; were they not?

(Witness conferred with counsel.)

Mr. GILMAN. Mr. Scherer, I am invoking article V of the Bill of Rights to my refusal to answer that question on the grounds that any testimony I may give in that matter may tend to incriminate me, sir.

Mr. DOYLE. I direct the witness to answer.

Mr. GILMAN. I am standing on my constitutional grounds, article V of the Bill of Rights, on the basis that any answer I may give may tend to incriminate me, sir.

Mr. DOYLE. If the Communist conspiracy had its way there would not be any article V of the Bill of Rights and you know it.

Have you any other question, Mr. Scherer?

Mr. SCHERER. I have no further questions.

Mr. DOYLE. Mr. Gilman, I want to be as brief as I can, but I want to say that every time you pleaded the fifth amendment this gold star on my coat just wanted to come off, it was so ashamed of a distinguished veteran like you, according to your record, being a member of the Communist Party; then you come in here and plead the fifth amendment after receiving those decorations at the hands of your Government for your distinguished service.

I want to say just a word or two to this man. I think I have a right to. I am speaking for all the fathers that lost their sons in the war. I cannot understand, sir, how in the world you could come home from those battles and keep identified with the Communist conspiracy after you saw what you must have seen overseas. I am not going to take advantage of this sort of occasion to preach to you because you cannot answer back too well. I understand that. But I would like to talk to you when we were not in this courtroom.

Mr. GILMAN. Well, sir, may I ask you a question?

Mr. DOYLE. Go ahead.

Mr. GILMAN. Could I at some time in the future write you a letter of what I think about my war record? Would that be all right?

Mr. DOYLE. I am not interested in your war record. You have the material evidence. For one reason or another you were decorated several times. I know some boys that were decorated both while they were alive and after they were killed in war; so do not talk to me about your war record. It is a peace record I am interested in. [Applause.]

You come back here and you habitually practice infiltration into groups; you take that picture frame of medals with you and display it on the platform of places where you speak just as you tried to display it here when you first came in. I do not see any humility about that.

Mr. GILMAN. I sacrificed my life for that.

Mr. DOYLE. You did not sacrifice your life. You are dead alive.

One word more, please. I am trying to say this so that you will never forget it as long as you live. Why don't you in God's name get out of that combination of Communist activity and direct your humility and your service in the interests of your own great Nation that gave you those decorations and gave you the chance to immediately come back home here to make a fine living in your Allied Linoleum Co.? Why do you not quit hiring these men that are known to you as Communists and Communist leaders? Why do you not refuse to? Why do you not clean your own skirts and get a medal for peace instead of war?

I think that is all, Mr. Counsel.

(Witness excused.)

Mr. TAVENNER. Mr. George L. Sommers.

Mr. DOYLE. Will you please raise your right hand? Do you solemnly swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

Mr. SOMMERS. I do.

Mr. DOYLE. I might state to counsel that Mr. Gilman gave me a copy of a press release after he was dismissed from the subpoena. The press release was very short, but his record of medals won in the war was very long. Proceed, Mr. Tavenner.

**TESTIMONY OF GEORGE L. SOMMERS, ACCOMPANIED BY M. MICHAEL
ESSIN, COUNSEL**

Mr. TAVENNER. What is your name, please sir?

Mr. SOMMERS. George Lewis Sommers.

Mr. TAVENNER. It is noted that the witness is accompanied by counsel. Will you identify yourself, please?

Mr. ESSIN. Counsel for Mr. Sommers is M. Michael Essin, attorney, 623 North Second Street, Milwaukee 3, Wis.

Mr. TAVENNER. When and where were you born, Mr. Sommers?

Mr. SOMMERS. Minneapolis, Minn., 1918, August 23.

Mr. TAVENNER. Where do you now reside?

Mr. SOMMERS. 5631 South 45th Street, Milwaukee 15, Wis.

Mr. TAVENNER. What is your present occupation?

(Witness conferred with counsel.)

Mr. SOMMERS. Maltster.

Mr. TAVENNER. When did you come to Milwaukee?

Mr. SOMMERS. You mean for permanent residence?

Mr. TAVENNER. Yes.

Mr. SOMMERS. The very first week probably of January 1944, although I did live here for a couple of months in 1943.

Mr. TAVENNER. Will you tell the committee, please, what your educational training has been?

(Witness conferred with counsel.)

Mr. SOMMERS. Grade school and high school.

Mr. TAVENNER. What was your occupation before coming to Milwaukee in 1944 and prior?

Mr. SOMMERS. Prior?

Mr. TAVENNER. Yes, before 1944. Were you in the Armed Forces of the United States?

Mr. SOMMERS. No; I wasn't.

Mr. TAVENNER. Prior to coming to Milwaukee what was your employment?

(Witness conferred with counsel.)

Mr. SOMMERS. Well, Mr. Chairman, I have had quite a few jobs and done a lot of things. Do you want me to work backward or start at the beginning?

Mr. TAVENNER. Let us go backward and we will quit when we go too far.

Mr. SOMMERS. Before I was employed in the Malt House I worked for a well-drilling company. Part of the time—you see we go out on jobs—at Whitewater.

Mr. TAVENNER. Where was your residence at that time?

Mr. SOMMERS. Milwaukee.

Mr. TAVENNER. I understood you to say that you came to Milwaukee in 1944, January 1944?

Mr. SOMMERS. Yes.

Mr. TAVENNER. I asked you what your employment was before 1944, before you came to Milwaukee.

Mr. SOMMERS. Well, as I previously stated, I was here for a couple of months in 1943.

Mr. TAVENNER. Let us skip the couple of months. Other than that how were you employed and where did you reside?

Mr. SOMMERS. Well, I lived in Minneapolis.

I had better start from the very beginning of where I started working. Otherwise I will get all mixed up.

(Witness conferred with counsel.)

Mr. TAVENNER. Not too much in detail, just in a general way.

Mr. SOMMERS. In Burlington, Iowa, for about a year for Iowa Ordnance plant.

Mr. TAVENNER. When was that?

Mr. SOMMERS. In 1941 I am quite sure.

(Witness conferred with counsel.)

Mr. SOMMERS. After that I went to Oakland, Calif., and worked for a while in a foundry as a sand tester, and then I went to the shipyards in Oakland, Calif., and worked as a trainee welder and I left Oakland and went back to Minneapolis and worked as a welder for Brown Steel Tank Co.

Then I signed up and I went on a job on the Alaskan Highway for E. W. Elliott Co. I was hired in Minneapolis, but their office is in Seattle, I believe it is. After that I came back and went back to work at Brown Steel Tank, I think.

Mr. TAVENNER. Is that in Minneapolis?

Mr. SOMMERS. Yes. Then—let's see. I believe then I came to Milwaukee for a short period of time and I worked at, I think this was in 1943 I worked for Allis-Chalmers for about I would imagine 3 weeks or maybe a little longer, and then I quit there and went to a job in Canada.

I worked for Al Johnson Construction Co. They hired out of New York, but I got the job in Minneapolis. I went to an airbase. Then I came back to Minneapolis and came back to Milwaukee.

Mr. TAVENNER. You have been engaged in brewery work since 1944, then, up to the present time?

(Witness conferred with counsel.)

Mr. SOMMERS. What do you mean by brewery work?

Mr. TAVENNER. Did you not indicate that your occupation was of a type that you were employed in a brewery? Maybe I do not know enough about it to know.

Mr. SOMMERS. No; I did not. It is a malting company.

Mr. TAVENNER. I see. What position did you take in January 1944? Was it this same thing?

(Witness conferred with counsel.)

Mr. TAVENNER. How were you employed in 1944 when you first came here?

Mr. SOMMERS. Oh, in 1944, I think I went to Schlitz and if I get this right now I worked there, I would say, about possibly 3 weeks, maybe

a little longer; and then I heard about a job, it was advertised in the papers here. So I went down and applied for it. It was at Hanford, Wash.

Mr. TAVENNER. How long?

Mr. SOMMERS. Gosh, not too long. Possibly a month.

Mr. TAVENNER. Let us proceed a little more rapidly if we can.

Mr. SOMMERS. Then I came back to Milwaukee and went down to the employment office and got a job with a well-drilling company. Then after that, in November 9, 1944, I got a job with my present employer and I have been there ever since.

Mr. TAVENNER. Was there any labor union in the malting company in which you were employed which had bargaining rights with that company?

(Witness conferred with counsel.)

Mr. SOMMERS. Yes.

Mr. TAVENNER. What was that union?

(Witness conferred with counsel.)

Mr. SOMMERS. Do you want to know what the union is now?

Mr. TAVENNER. What it was then while you were employed there.

Mr. SOMMERS. They have changed their affiliation since then.

Mr. TAVENNER. Give us what it was then and what it is now.

(Witness conferred with counsel.)

Mr. SOMMERS. I can't remember what it was exactly. I think it was independent at that time.

Mr. TAVENNER. What is it now?

Mr. SOMMERS. It is the A. F. of L.—CIO local 9.

Mr. TAVENNER. Local 9, United Brewery Workers.¹ Is that not the name of it?

Mr. SOMMERS. Yes; I believe it is.

Mr. TAVENNER. Why, you know it is; do you not?

Mr. SOMMERS. Yes; I know it is.

Mr. TAVENNER. Local 9. How long has it had that designation? You say it was changed from an independent to the United Brewery Workers of the CIO?

(Counsel conferred with witness.)

Mr. SOMMERS. I am not sure, Mr. Chairman.

Mr. TAVENNER. When did that occur?

Mr. SOMMERS. I am not sure.

(Witness conferred with counsel.)

Mr. TAVENNER. It has been a number of years ago, hasn't it?

Mr. SOMMERS. Yes.

Mr. TAVENNER. Mr. Sommers, the committee is well aware of the anti-Communist character of the United Brewery Workers.

(Counsel conferred with witness.)

It is hard for us to understand that that organization has knowingly permitted anyone to be an officer of its organization who is known to them to be a member of the Communist Party. What office did you hold in the union?

(Witness conferred with counsel.)

¹ Reference to International Union of United Brewery, Flour, Cereal, Soft Drink, and Distillery Workers of America—CIO.

Mr. SOMMERS. Mr. Chairman, counsel, the thing I am thinking about is I was a delegate to the CIO council. That is not a constitutional office.

Mr. TAVENNER. Yes; that is my error. You were a delegate to the CIO council?

Mr. SOMMERS. Yes.

Mr. TAVENNER. In what years?

(Witness conferred with counsel.)

Mr. SOMMERS. I am not sure, Mr. Chairman.

(Witness conferred with counsel.)

Mr. SOMMERS. I think it was around 1949 and 1950. I am not sure.

Mr. TAVENNER. What I am getting around to is that we have a feeling that if you were a member of the Communist Party at any time as has been testified to here before this committee, that you are probably no longer a member of the Communist Party and I want to call on you to cooperate with this committee to give it such facts as you may have within your knowledge during the period you were a member, if you were a member.

You are not a member of the Communist Party now, are you?

(Counsel conferred with witness.)

Mr. SOMMERS. Mr. Chairman, on the grounds that anything I may say—I cannot be made to testify against myself, fifth amendment.

Mr. TAVENNER. You were a member of the Communist Party at the time you were on the CIO council, though, were you not?

(Witness conferred with counsel.)

Mr. SOMMERS. On the grounds that anything I say may tend to incriminate me I use the fifth amendment.

Mr. TAVENNER. You were expelled as a member of the CIO council, were you not?

(Witness conferred with counsel.)

Mr. SOMMERS. On the ground that anything I say may tend to incriminate me, fifth amendment.

Mr. TAVENNER. Was it not because of your Communist Party affiliations at that time that you were expelled by the CIO county council?

(Witness conferred with counsel.)

Mr. SOMMERS. On the ground that anything I say may tend to incriminate me I cannot be made to testify against myself, fifth amendment.

Mr. TAVENNER. But in recent years your affiliation with the Communist Party has been very slight, has it not?

(Witness conferred with counsel.)

Mr. SOMMERS. Mr. Counselor, Mr. Tavenner, on the grounds that anything I say may tend to incriminate me, I refuse to answer the question based on the fifth amendment.

Mr. TAVENNER. During the year 1949 according to the testimony introduced before this committee, during these hearings, you were a member of the East Side section of the Communist Party in Milwaukee. Is that testimony false?

Mr. SOMMERS. On the grounds that I cannot be made to testify against myself I use the fifth amendment.

Mr. TAVENNER. Were you not a member of the East Side section of the Communist Party?

Mr. SOMMERS. The answer is the same as the previous answer, fifth amendment.

(Witness conferred with counsel.)

Mr. TAVENNER. Have you ever been a member of the Communist Party?

Mr. SOMMERS. On the grounds that anything I say may tend to incriminate me I refuse to answer the question; fifth amendment.

Mr. TAVENNER. I have no further questions, Mr. Chairman.

Mr. DOYLE. Do you have questions, Congressman Willis?

Mr. WILLIS. No questions.

Mr. DOYLE. Congressman Scherer?

Mr. SCHERER. I have no questions.

Mr. DOYLE. I think I will share with you, Witness, what Mr. Scherer, the distinguished Congressman from Ohio said to me just now while we were listening to your testimony and reading your testimony in connection with the written document we have about your former activities in the Communist Party.

He said, "I have a feeling that this witness, if he is not already out of the Communist Party wishes he were and will get out." That is confidential between us two Congressmen but you are entitled to know it, and I am telling you for this reason:

Why do you not join the increasing number of American young men and women who are cooperating with Congress in this difficult field and come clean and offer your services to Congress to ferret out this Communist conspiracy here in Milwaukee? We invite you to join that increasing number of men and women that have come to the point where they sense that their highest duty is to their Nation instead of to the Communist Party. We invite you to do that, to make up your mind pretty suddenly to do that very thing and turn your talents toward that.

Mr. TAVENNER. Mr. Chairman, may I make a further suggestion? I am so convinced that the committee members are right in their feelings about it that I believe this witness ought to be given an opportunity to consider his position further and come back if he desires before this committee finishes its hearing today and set himself straight.

Mr. WILLIS. Mr. Tavenner, I think you were very fair, extremely fair.

Young man, you were given every opportunity by implication of the questions. He practically told you that he believed that you are probably not now a Communist and maybe you have made a mistake in the past. I think it would be a wonderful thing if you got out for honest reasons. I really do. You would do yourself, the Government, your coworkers, your community, your church as you probably have one, and yourself and wife and children if you have any, a real service.

I would take advantage of that offer.

Mr. SCHERER. Witness, would you be interested in first testifying in executive session?

(Witness conferred with counsel.)

Mr. SCHERER. I think that perhaps if there were not some people in this courtroom this man would testify. That is the reason I suggest that he might want to testify in executive session.

(Witness conferred with counsel.)

Mr. SOMMERS. Mr. Chairman, on the grounds that anything I say may tend to incriminate me I refuse to answer the question Mr. Scherer directed to me based on the fifth amendment.

Mr. DOYLE. It is just another case where we have gone out of the way and we are glad to do so where there is any chance in the world to get the cooperation of a citizen who we believe regrets the connection and wants to get out of it.

We have done all over the Nation just what we have done with you, Witness.

Mr. SCHERER. I am thoroughly convinced, Mr. Chairman, that if there were not certain influences in this hearing room, this witness would and could tell us a lot about the efforts of the Communist Party to infiltrate here.

Mr. DOYLE. You are dismissed from the subpoena, but I want to renew our invitation. I will make the same invitation to anyone that happens to hear my voice, that if you have any desire to cooperate with the committee the way it has been working in performing its duty, contact immediately Mr. Tavenner, our distinguished counsel, or Mr. Jones, one of our investigators and we will try to hear you this afternoon or tonight.

(Witness conferred with counsel.)

Mr. SOMMERS. Mr. Doyle, I have two subpoenas, one for April 4.

Mr. DOYLE. Just forget the April 4 one.

Mr. SOMMERS. Thank you.

(Witness excused.)

Mr. DOYLE. We will take a recess for 5 minutes.

(Whereupon, a short recess was taken.)

Mr. DOYLE. The committee will stand in order after this recess and let the record show that the three members of the subcommittee are all present.

I want to again thank the guests of the committee in the courtroom for your very considerate attention. The courtroom is full and overflowing. We realize that it is not comfortable to stand in this warm room hour after hour.

On behalf of the committee and staff I want you to know that we appreciate your remaining as quiet as possible. We will finish our hearings sometime this afternoon.

You might be interested to know who the young man was who came to the desk just now and greeted me and the other members of the committee. He is one of a group of Marquette University students. The group has been in the courtroom off and on during these 3 days. They are studying the operation of their own congressional committees. I want to compliment the students on coming here and furthering their education. We feel it is very important that all American citizens learn everything they can about their own Government and how it operates. So it is refreshing to find this group of university students who are going out of their way to come here and study how this congressional committee operates because, after all, we men are their Congressmen as well as the Representatives for each of our congressional districts.

Most people do not realize the Members of Congress are United States Representatives who happen to be elected from their respective districts.

Mr. Tavenner, are you ready?

Mr. TAVENNER. Yes, sir.

Mr. DOYLE. Proceed.

Mr. TAVENNER. Mr. Harry Virgil.

Mr. DOYLE. Do you solemnly swear to tell the truth, the whole truth and nothing but the truth, so help you God?

Mr. VIRGIL. I do.

Mr. DOYLE. Please be seated.

TESTIMONY OF HARRY VIRGIL, ACCOMPANIED BY M. MICHAEL
ESSIN, COUNSEL

Mr. TAVENNER. Let the record show that the witness is accompanied by the same counsel who accompanied the preceding witness.

Will you state your name, please, sir?

Mr. VIRGIL. Harry Virgil.

Mr. TAVENNER. When and where were you born, Mr. Virgil?

Mr. VIRGIL. Mt. Carmel, Ill., January 20, 1911.

Mr. TAVENNER. Where do you now reside?

Mr. VIRGIL. Milwaukee.

Mr. TAVENNER. How long have you lived in Milwaukee?

Mr. VIRGIL. Since 1932. I will correct that, Mr. Chairman. I believe it was 1933 rather than 1932.

Mr. TAVENNER. What is your occupation?

Mr. VIRGIL. Salesman.

Mr. TAVENNER. Have you served in the Armed Forces of the United States?

Mr. VIRGIL. No, sir. Pardon. I would like to consult with my attorney on one thing. I think I have given a correct answer.

Mr. TAVENNER. All right.

(Witness conferred with counsel.)

Mr. VIRGIL. I want to add to that, Mr. Tavenner, that for I think a period of about a year I did serve in the National Guard of Illinois.

Mr. TAVENNER. Will you tell the committee, please, what your formal educational training has been?

Mr. VIRGIL. High school and a few subjects at night school in college.

Mr. TAVENNER. You came to Milwaukee in 1933?

Mr. VIRGIL. I think approximately.

Mr. TAVENNER. How were you first employed upon coming to Milwaukee?

Mr. VIRGIL. Salesman.

Mr. TAVENNER. Is that the same employment that you are now engaged in?

Mr. VIRGIL. No.

Mr. TAVENNER. Would you begin, say, with 1940 and tell us what your employment has been since that time?

(Witness conferred with counsel.)

Mr. VIRGIL. From 1940 up until 1946 or 1947—again I am not sure—I was employed as an organizer for various CIO unions and after leaving there I went to work in a plant, worked a year and a half.

Mr. TAVENNER. What plant?

Mr. VIRGIL. Unit Crane & Shovel.

Mr. TAVENNER. Is that a plant in which the CIO had bargaining rights at the time?

(Witness conferred with counsel.)

Mr. VIRGIL. Yes, sir.

Mr. TAVENNER. What were the CIO unions which you were organizer for?

(Witness conferred with counsel.)

Mr. VIRGIL. Various unions. I am not sure of the chronology of it. They were packinghouse—

Mr. TAVENNER. What date?

Mr. VIRGIL. Well, there is where I am confused on dates. Packinghouse workers was one. I believe that I worked for the retail clerks subsequent to 1940 but I am not sure because I left there around that time. The woodworkers; ¹ Food, tobacco and agricultural workers. ²

Mr. TAVENNER. That was over a period of how long?

Mr. VIRGIL. Oh, roughly 5, 6 years.

Mr. TAVENNER. You would say from 1942 up through 1947 or 1948?

Mr. VIRGIL. No, 1946 or 1947 was the termination date, I know.

Mr. TAVENNER. After 1947 how were you employed?

Mr. VIRGIL. Well, as I stated before I was in this plant, the Unit Crane & Shovel. I was laid off there in the late fall or early winter. Again, the year I am twisted on. I went from there to selling cemetery lots. I sold cemetery lots for a period of a year and a half or so. Then I went into the type of employment I am in now, food selling.

In between now and previously on the same job I spent a couple of years as an appliance salesman.

Mr. TAVENNER. Now, Mr. Virgil, there has been considerable testimony before this committee during this hearing indicating activity on your part in the Communist Party. We heard the testimony of Mr. Ondrejka that you played an important part in his recruitment into the Communist Party, not that you were the first person by any means who talked with him about it, but that Mr. Merle Snyder took him to your home as a part of the negotiations which resulted in his becoming a Communist Party member.

The committee has information that you engaged in other Communist Party recruiting which has not yet been the subject of the testimony. The committee was advised during the hearings that you were a functionary of the East Side section of the Communist Party.

If those things be true you are in a position to have considerable knowledge about the activities of the Communist Party in Milwaukee and the committee will want you to give such information as you have.

Now, let us begin by my asking you whether or not you were the section organizer of the East Side section of the Communist Party?

(Witness conferred with counsel.)

Mr. VIRGIL. Mr. Tavenner, Mr. Chairman, I cannot be compelled to be a witness against myself. Therefore, I invoke the fifth amendment of the Constitution.

Mr. TAVENNER. And refuse to testify?

Mr. VIRGIL. And refuse to testify.

(Witness conferred with counsel.)

Mr. TAVENNER. Did you engage in any recruiting of members for the Communist Party?

Mr. VIRGIL. Again I invoke the fifth amendment for the same reason previously stated.

¹ Reference to International Woodworkers of America, CIO.

² Reference to Food, Tobacco, Agricultural, and Allied Workers Union of America.

Mr. SCHERER. Are you familiar with the testimony that Ondrejka gave concerning your activities in connection with the Communist Party?

(Witness conferred with counsel.)

Mr. VIRGIL. Mr. Scherer, other than what Mr. Tavenner has stated here I have not been here and I am not familiar.

Mr. SCHERER. What Mr. Tavenner stated was in substance part of the testimony of the witness Ondrejka.

Mr. TAVENNER. May I interrupt you a moment? I was in error in asking this witness about being the organizer of the East Side section of the Communist Party. The testimony was that he was chairman. So I think in presenting your question you should clear that up.

Mr. SCHERER. With that correction it was my opinion that Mr. Tavenner stated correctly what the witness Ondrejka stated as to your activities in the Communist Party. Was any of that false as related by Mr. Tavenner?

Mr. VIRGIL. Again, Mr. Scherer, because I cannot be compelled to be a witness against myself I invoke the fifth amendment and refuse to testify.

Mr. SCHERER. If any of that testimony that Ondrejka gave as related by Mr. Tavenner was false would you so state?

Mr. VIRGIL. Again I invoke the fifth amendment, for the same reasons previously stated and refuse to testify.

Mr. TAVENNER. Were you acquainted with Merle Snyder?

(Witness conferred with counsel.)

Mr. VIRGIL. Mr. Tavenner, because I cannot be compelled to appear as a witness against myself I invoke the fifth amendment and refuse to testify.

Mr. TAVENNER. Are you now a member of the Communist Party?

Mr. VIRGIL. Again I invoke the fifth amendment because I cannot be compelled to appear as a witness against myself, and therefore I refuse to testify.

Mr. TAVENNER. Have you ever been a member of the Communist Party?

Mr. VIRGIL. Again the fifth amendment. I cannot be compelled to appear as a witness against myself and I refuse to testify.

Mr. TAVENNER. I have no further questions, Mr. Chairman.

Mr. DOYLE. Mr. Willis?

Mr. WILLIS. No questions.

Mr. DOYLE. Mr. Scherer?

Mr. SCHERER. No questions.

Mr. DOYLE. I want to make just very briefly, Mr. Virgil, the same observation to you that you have heard me make to these other citizens who have pleaded the fifth amendment. I want to urge you to get out of whatever relationship you are in, if you are still in the Communist Party to get out of it and quit your activity in it and put your native ability in support of your own American institutions. Why do you not do that? I want to urge you to.

The witness is dismissed.

(Witness excused.)

Mr. DOYLE. The committee will stand in order again and the record will show all committee members present.

Proceed Mr. Tavenner.

Mr. TAVENNER. Mr. Merle Snyder.

Mr. DOYLE. Mr. Snyder, do you solemnly swear to tell the truth, the whole truth and nothing but the truth, so help you God?

Mr. SNYDER. I do.

Mr. DOYLE. Please be seated.

TESTIMONY OF MERLE SNYDER

Mr. TAVENNER. What is your name, please, sir?

Mr. SNYDER. My name is Merle Snyder.

Mr. TAVENNER. When and where were you born, Mr. Snyder?

Mr. SNYDER. I was born in Huron, S. Dak., in 1921, April.

Mr. TAVENNER. Are you now a resident of Milwaukee?

Mr. SNYDER. I am.

Mr. TAVENNER. What is your occupation?

Mr. SNYDER. I am an engineer.

Mr. TAVENNER. Are you aware of the practice of this committee in permitting all persons who appear before it, whether in open session or executive session, to have counsel accompanying them if they so desire?

Mr. SNYDER. I am.

Mr. TAVENNER. It is noted that you do not have counsel with you. Do you desire counsel or do you prefer to go ahead without counsel?

Mr. SNYDER. I prefer no counsel.

Mr. TAVENNER. Will you tell the committee, please, what your educational training has been?

Mr. SNYDER. I have high school and 2½ years of technical engineering.

Mr. TAVENNER. When and where did you receive that technical training?

Mr. SNYDER. At the Bradley Polytechnic Institute in Peoria, Ill.

Mr. TAVENNER. When did you complete your training?

Mr. SNYDER. The training, Mr. Tavenner, was not complete. I didn't finish. It was roughly in, I think, 1946 or thereabouts.

Mr. TAVENNER. When did you come to Milwaukee to make this city your home?

Mr. SNYDER. I think that was 1946.

Mr. TAVENNER. Were you a member of the Communist Party when you came to Milwaukee?

Mr. SNYDER. No.

Mr. TAVENNER. There was a period of time, however, when you were a member of the Communist Party, is that not true?

Mr. SNYDER. Yes, that is true.

Mr. TAVENNER. It has been testified here by Mr. Ondrejka that you are the person who actually recruited him into the Party. Is that correct?

Mr. SNYDER. I believe that is correct, yes.

Mr. TAVENNER. Mr. Ondrejka testified that recruiting occurred through the medium of the Young Progressives of America, that he was very active in that organization at that time, and one thing led to another and finally he became a member of the Communist Party. Were you a member of the Young Progressives of America?

Mr. SNYDER. Yes, I was.

Mr. TAVENNER. I think it was so testified by Mr. Ondrejka.

I wish you would tell the committee, please, the circumstances surrounding your becoming a member of the Communist Party.

Mr. SNYDER. I was a member of the Young Progressives Party and a member of the People's Progressive Party and while working in the People's Progressive Party and the Young Progressives I became acquainted with people who later I found out were Communist Party members. In that way, through constant association, I think I gradually drifted into the party and became a party member, was asked to become a party member and did. That is briefly how I joined the Communist Party.

Mr. TAVENNER. Then this is another instance where a front organization served as a very effective recruiting ground for the Communist Party?

Mr. SNYDER. I would say, yes. The principles on which the Progressive Party were founded at first to me seemed harmless enough, but after looking it over now I can understand that it was exactly that, a front for recruiting.

Mr. TAVENNER. What year did you become a member?

Mr. SNYDER. That was in the early part of 1949, I believe, January.

Mr. TAVENNER. Who was the person or who were the persons in the Young Progressives of America or the Progressive Party, either one, who were responsible for your actual recruitment into the party?

Mr. SNYDER. I would say the one most responsible would have been Harry Virgil.

Mr. TAVENNER. Is that the same person who just testified from the stand ahead of you?

Mr. SNYDER. That is.

Mr. TAVENNER. Are there any other circumstances that you can give us now about his recruitment of you into the Communist Party?

Mr. SNYDER. Leading up to my recruitmen, Harry and his wife, Ida, were very active in the Progressive Party with regard to mimeographing leaflets, distribution, mailings and the like, and I became involved in that same activity. Would you refresh my memory on what exactly you wanted, Mr. Tavenner?

Mr. TAVENNER. I wanted to know just what Mr. Virgil said to you if anything, or whether you approached him, or just what the facts are about your actual recruitment into the party.

Mr. SNYDER. As I recall it I asked Harry Virgil—I don't think I asked him. I made a statement, "You are a member of the Communist Party, aren't you, Harry," and he did not give me a direct answer. He gave me quite an evasive answer, but one that led me to believe, of course, that he was; which I already did believe. Subsequently, after more work and more visits at Harry's apartment I asked to become a member of the Communist Party.

Mr. TAVENNER. And you became a member?

Mr. SNYDER. I became a member.

Mr. TAVENNER. What group or branch of the Communist Party were you assigned to?

Mr. SNYDER. The East Side section.

Mr. TAVENNER. Who was the chairman of that branch of the Communist Party?

Mr. SNYDER. Al Hirsch was chairman at that time.

Mr. TAVENNER. Mr. Chairman, he is a person who testified before this committee on the first day.

Do you recall who became chairman at a later date?

Mr. SNYDER. My recollection is only that Al Hirsch was chairman of the East Side section.

Mr. TAVENNER. In what phase of Communist Party activity did you devote most of your time and attention?

Mr. SNYDER. Mostly the distribution of literature and the selling of the Sunday Worker. I believe it is the Sunday Worker instead of the Daily Worker. It came out every Sunday, and at least I was selling Workers.

Actually there weren't too many activities in the East Side group there that I was connected with. I did a lot of distributing. I will tell you that.

Mr. TAVENNER. These circulars that you speak of, were they gotten out by this particular group, the East Side group of the Communist Party or were they gotten out by one of the front organizations of the party or both?

Mr. SNYDER. I would say both, and I would also say we received much literature and mail from, I would imagine, New York or some place like that. I couldn't tell you the exact place. We would distribute that literature, too.

Mr. TAVENNER. Would you give the committee, please, the names of those that you can now remember who were members of the East Side branch of the Communist Party?

Mr. SNYDER. There was Al Hirsch as chairman. Harry and Ida Virgil; George Sommers; Otis Daigle.

Mr. TAVENNER. Will you spell that last name?

Mr. SNYDER. I believe it is spelled D-a-i-g-l-e.

Mr. TAVENNER. If you can give the committee any further identifying information relating to these people as to how they were employed it might be of some aid to the committee in the matter of identification.

Mr. SNYDER. I think I can do that. Al Hirsch was, I believe, connected with the CIO News. Harry Virgil, when I knew him was a salesman. He sold lots in cemeteries. George Sommers, I believe, was working for a malting company at the time. Otis Daigle, I believe he ran a rooming house or something like that. I don't know if he was employed otherwise. There was another member, Jack Meister—

Mr. TAVENNER. Will you spell the last name?

Mr. SNYDER. M-e-i-s-t-e-r. I believe he owns several apartment houses around the city, and Mike Ondrejka also became a member about a month before we changed groups. There was a termination of our attending the East Side group. I don't exactly recall when that was. Mike, by the way, was a shoe salesman for the Burt Shoe Store, I believe it was. I think that is all the members at the time.

Mr. TAVENNER. Did you continue your activities in the Young Progressives of America after becoming a member of the Communist Party?

Mr. SNYDER. Yes; I did.

Mr. TAVENNER. In the continuation of that work and other work of the Communist Party, did you have occasion to meet other members of the Young Progressive Party besides those whose names you have given us?

Mr. SNYDER. Yes; I did.

Mr. TAVENNER. I am going to ask you to tell us who those people are, but I want to know what your basis of identification of them is; that is, how you knew that they were members of the Communist Party?

Mr. SNYDER. Well, on that basis, Mr. Tavenner, there are many people that I believe to be Communists. However, I can give you no definite basis or tie-in and such. I think I should omit their names.

Mr. TAVENNER. That is exactly correct and it is the reason I asked you the question that way, because I don't want your belief in the matter no matter how sound your belief may be about it. I want you to give us identification of only those that you know with certainty were members of the Communist Party.

Mr. SNYDER. I would like to start off so that it will be easier for me in this manner: The people who lived with me; and take off from there.

Sidney Berger lived with me at my apartment; Herb Major lived with me. I will go then from there. Mark Berman: He used to come to our apartment and would stay overnight occasionally. Well, he chaired a couple of meetings.

Jerry Rose also was coming to my apartment, also a member of the YPA. Mark Berman also a member of the YPA. Betty Gossell, chairman of the YPA: Ted Silverstine a member of the YPA, also a member of the—you see, all these people that I am naming now are members of the Communist Party as I knew them. My memory fails me. It should be better than this.

Jim Eggleston, a member of YPA, also used to come to the apartment on occasion. Sally Mattis—

Mr. TAVENNER. Will you spell that last name?

Mr. SNYDER. M-a—it is either "t" or double "t"-i-s. I don't know which.

Mr. TAVENNER. Let me ask you this: Did you have any occasion to be affiliated with any group of the party within the field of labor, any cell in a manufacturing plant?

Mr. SNYDER. No.

Mr. TAVENNER. Therefore, you would not have the opportunity of knowing members of the Communist Party in such groups unless you met with them?

Mr. SNYDER. Unless I would have met with them, yes.

Mr. TAVENNER. Do you recall having met with any of those groups?

Mr. SNYDER. No, no labor groups.

Mr. TAVENNER. I interrupted you. Are there any others that you can now recall?

Mr. SNYDER. Murray Wolfson, I recall. He taught a class in political economy at which I attended. Lillian Rody attended the class with me in political economy which was strictly for Communist Party members. If you are asking me about the youth group now—

Mr. TAVENNER. Any group that you met with.

Mr. SNYDER. Well, actually I only met with the youth group and the East Side section, so I think I had better confine my testimony to that.

Mr. TAVENNER. And also the school that you said you attended or the study class.

Mr. SNYDER. At this study class or this political economy course that was taught first by Andrew Reams, and then Murray Wolfson

took over; I believe that Fred Blair dubbed in one session. I am not sure.

I remember a Nada Hudson attending. Mary Keith attended a couple of sessions there. She operated the People's Book Store on West Wisconsin Avenue.

Mr. TAVENNER. Is that about all that you can recall at this time?

Mr. SNYDER. That is all I can recall, Mr. Tavenner. There are many people that I could recall. However, I can't remember at this time.

Mr. TAVENNER. In fact you have tried to put this whole matter behind you, haven't you, in the last few years?

Mr. SNYDER. Mr. Tavenner, to be honest with you I thought it would never come up again. I had hoped such.

Mr. TAVENNER. I believe the only other matter that I want to talk to you about is the situation that developed when you were put out of the Communist Party. You have told us that you became a member of the Communist Party in the early part of 1949.

Mr. SNYDER. That is right.

Mr. TAVENNER. How long did you remain a member?

Mr. SNYDER. I was expelled from the Communist Party in October 1950.

Mr. TAVENNER. Were you given any sort of a democratic trial prior to your discharge?

Mr. SNYDER. Ordinarily when you speak of a democratic trial you are speaking of a trial held before a judge and jury and you have counsel, and also you are notified probably several weeks in advance or perhaps months in advance of such a trial.

Mr. SCHERER. Let us not call it a trial. Let us call it a hearing.

Mr. TAVENNER. Let me ask you this: At that particular time, after having been in the Communist Party from 1949, it seems that your place of residence was surrounded by members of the Communist Party. Would it be correct to say that virtually all of your friends at that period of time were persons who were in the Communist Party?

Mr. SNYDER. That is correct.

Mr. TAVENNER. Your whole social life was bound up at that time in the Communist Party?

Mr. SNYDER. That is definitely correct.

Mr. TAVENNER. For how long a period of time was that to which you refer approximately?

Mr. SNYDER. Well, approximately for 2 years.

Mr. TAVENNER. Will you tell the committee, please, just what happened?

Mr. SNYDER. One night in early October I was paid a visit by one Sigmund Eisenscher. He asked me to accompany him in his car. We went out on the far west side on North Avenue, West. We picked up another man whom I did not know, whom I can't recall. We went back to the city and went to the Allied Linoleum Co. where we either met John Gilman or maybe we picked him up. I don't recall. We went in the store and were seated. Sig Eisenscher started questioning me. At first I thought that the questions were directed because they were going to send me to school, to a Marxist school.

Mr. TAVENNER. Why did you think that?

Mr. SNYDER. I had been informed about a month earlier that they were considering sending me to school. I think I may have asked to

be sent to school because I was always rather weak on Communist theory.

At any rate I believe the question period was about a half hour and at the end of that time I was beginning to wonder exactly what was going on because of the type of questions that were being thrown at me, and it was about that time that Sig Eisenscher pulled out a type-written statement, I imagine about 2 pages long and read it to me.

Mr. SCHERER. Did you answer those questions that they asked you during this half hour?

Mr. SNYDER. I did.

Mr. SCHERER. Did you use the fifth amendment?

Mr. SNYDER. No.

Mr. TAVENNER. Was this statement that was presented at that time a statement which had been prepared ahead of the questioning?

Mr. SNYDER. Yes.

Mr. TAVENNER. Ahead of this meeting?

Mr. SNYDER. Yes, it was. Eisenscher then read me the charge of being an FBI agent, of my being suspected of being an FBI agent, that they could not tolerate such people in the Communist Party; therefore, I was as of then no longer a Communist.

Mr. TAVENNER. Were you representing the FBI in any capacity?

Mr. SNYDER. No, none whatsoever.

Mr. TAVENNER. In other words, this statement was false in every respect?

Mr. SNYDER. It was definitely false.

Mr. SCHERER. Did you tell them it was false?

Mr. SNYDER. I did. I would like to explain my attitude at the time. Mr. Tavenner has led up to it. My whole life for 2 years was the Communist Party. I had no outside friends or no outside contacts. My home was far away. I had no relatives here. Therefore, I was very much wrapped up in the Communist Party, and when I was expelled from the Communist Party I thought that this was a real blow. Actually it was a real blow.

I didn't realize until I would say 3 months later what a very good service they had done for me.

Mr. DOYLE. In other words, you felt it was an unfair, unjust and very crippling blow to you at the moment?

Mr. SNYDER. At the moment I thought it was true.

Mr. DOYLE. But later you decided it was a favor?

Mr. SNYDER. I was married 3 months later and have a very fine wife and family. I am sure I wouldn't have these if I had been a member of the Communist Party.

Mr. TAVENNER. You say that this charge was presented against you involving possible connections with the Federal Bureau of Investigation. Do you have any reason to believe that there was some other motive that influenced the Communist Party in taking this action against you, and they just used that as a pretext?

Mr. SNYDER. Of course, it is only a theory of mine.

Mr. TAVENNER. I think you are entitled to present it in light of what occurred.

Mr. SNYDER. I believe in this case that I had incurred the enmity of one Mark Berman. I think that he put the so-called skids under me as far as getting me out of the Communist Party.

I base that theory on the fact that Mark Berman used to borrow my car. At one time he borrowed my car and didn't return it for 3 days, and I had assumed it was a couple of hours or at least that evening I would have my car back. However, 3 days later I went after my car.

Mr. DOYLE. Went where? Did he not return it?

Mr. SNYDER. He didn't return my car, no.

Mr. DOYLE. Did you pay for the gasoline while he had it?

Mr. SNYDER. I imagine that he burned up the gas in the tank that was there. I don't recall if there was more gas in the car when he brought it back or not. At least I went after my car. I was looking for it, and I was walking down on West Michigan Avenue by the Milwaukee Depot and I spotted my car and I also spotted Mark Berman at the same time. I approached him and said that I would sure as the devil like to have my car back. He put me off quite abruptly and told me that I should get away because someone was trailing him and that he had to get away fast. He got away fast.

That evening, however, he did return my car and when he returned it he threw the keys; they went on the floor. He said, "Take your so-and-so car and your keys," and stalked out the door.

I thought that at the time it was a very unreasonable attitude for anyone to have. [Laughter.]

Mr. SCHERER. You just were not a true Communist at heart.

Mr. SNYDER. However, I do think that that is one of the reasons. Mark Berman was quite an important member in the Communist Party and I think that that more than likely influenced the whole affair. Mark just didn't like me after that. That is about all I can say about that.

Mr. TAVENNER. After you were expelled from the Communist Party did you make any effort to get back in?

Mr. SNYDER. No.

Mr. TAVENNER. Since the time of your expulsion have you engaged in any Communist Party activity?

Mr. SNYDER. None whatsoever.

Mr. TAVENNER. Have you anything that you desire to say to the committee in addition to what you have already said about your good fortune in having been mistreated? You are perfectly at liberty to say it.

Mr. SNYDER. I am not much of a talker. As a matter of fact I get quite embarrassed when I do speak. I would say this: That I am very happy to have the experience that I have gotten and still not be a member of the Communist Party. It is something that if everybody in the United States could know actually what I know about the party and not be a Communist, which is quite a contradiction, of course, I don't think we would have any trouble today with communism in the United States.

Mr. TAVENNER. Do I understand from that that you are saying in substance that you feel that with the knowledge you now have of the Communist Party you can be more loyal to your country?

Mr. SNYDER. I can be much more loyal.

Mr. TAVENNER. Because of the mistakes that you know have occurred?

Mr. SNYDER. That is right. I wish to say that I have absolutely no affection for the Communist Party or their way of life. I am very happy that what happened did happen when it did. I like to think

that if it hadn't happened, that if I would not have been expelled that I would have gotten out by myself at a later date. That is what I like to think, at least.

Mr. TAVENNER. I have no further questions, Mr. Chairman.

Mr. DOYLE. Congressman Willis?

Mr. WILLIS. I have no further questions.

Mr. DOYLE. Congressman Scherer.

Mr. SCHERER. I have no questions.

Mr. DOYLE. They had an educational class in the history of the United States Constitution, did they not, while you were a member; a class which you attended?

Mr. SNYDER. I don't recall, Mr. Doyle.

Mr. DOYLE. Neither do I, but my remark was made facetiously for effect because I have never heard of a Communist class studying the United States Constitution. I thought that by asking a question that way it would emphasize for your attention and for the record that there is no such thing.

You said for 2 years your whole life was wrapped up in the Communist Party?

Mr. SNYDER. That is correct.

Mr. DOYLE. What do you mean by that?

Mr. SNYDER. That perhaps takes a little explaining. I moved to Milwaukee from Chicago about a year previous to becoming a member of the Communist Party. Upon leaving Chicago coming to a strange place, I had no friends at the time, and my first contacts were with the Young Progressives and with the Progressive Party. I made no attempt to make friends outside of those two groups, and therefore, when I was expelled from the Communist Party it was an expulsion and it was also a complete ignoring of me.

I recall the first night I went back. I believe Mike Ondrejka was in his room. The apartment was mine. Therefore I didn't have to move.

Mr. DOYLE. Did you pay the rent for all the others; that is, sharing?

Mr. SNYDER. I paid the rent of that apartment for the other two. Mike paid his own way.

Mr. DOYLE. For which two did you pay the rent?

Mr. SNYDER. I paid the rent for Sid Berger and Herb Major. That is, the apartment was mine. I just kept the rent up.

Mr. DOYLE. Were they not working?

Mr. SNYDER. Yes and no.

Mr. DOYLE. How long was it yes and no? How long did you pay the rent?

Mr. SNYDER. Sid Berger couldn't seem to hold a job ever, and what jobs he did hold he didn't seem to make enough money to be able to go his share. Herb Major was going to school and Herb did everything he could, I know, to hold up his share, but he couldn't do it and go to school at the same time. I had ability to make enough money so I just furnished the money for our living. That is all.

Mr. DOYLE. You were sort of a Communist angel, then?

Mr. SNYDER. A fool.

Mr. DOYLE. May I ask you just one more question. When this group of Communist leaders in Milwaukee and Wisconsin picked you

up in the automobile and took you to Allied Linoleum Shop, the owner of which testified here earlier today, as I recall it—I think he was the man with some medals in a picture frame, was he not?

Mr. SNYDER. Yes.

Mr. DOYLE. Did they not tell you that you were going on trial and for you to get a lawyer, or that you were going to have a hearing and ask you if you wanted a public hearing before the cell of which you were a member?

Mr. SNYDER. No, I was told that I could appeal this decision to the highest committee or the central committee. I don't recall exactly what that group was now. I believe it was the central committee.

Mr. DOYLE. Did they not hand you a bill of charges before they began questioning you?

Mr. SNYDER. No.

Mr. DOYLE. At no time?

Mr. SNYDER. At no time.

Mr. DOYLE. I want to observe here to my colleagues and counsel that I think that is the history of the Communist Party all over the Nation. We have never heard of a case of a member of the Communist Party being expelled who was ever given a bill of charges or complaints or given a hearing with counsel. You were never told you could plead the fifth amendment?

Mr. SNYDER. No.

Mr. DOYLE. Is that correct?

Mr. SNYDER. No.

Mr. DOYLE. What kind of questions did they ask you before they sprung this prepared statement of 2 sheets on you? Just briefly give us an idea.

Mr. SNYDER. I don't think I can recall anything. Just that I was an FBI agent. I know that there were an awful lot of leading questions that I answered, but not knowing what was going to happen I wasn't too interested in what they were saying.

Mr. DOYLE. You denied then, and now deny under oath that you were ever an FBI agent; is that correct?

Mr. SNYDER. I do.

Mr. DOYLE. Let me thank you on behalf of the United States Congress for having guts enough to be willing to come before this congressional committee and give the United States Congress the benefit of your terrible experience. I know without saying that you have been, since you were expelled, contributing strength to your Nation instead of weakness. We thank you for doing that.

Mr. WILLIS. May I ask a question?

Mr. DOYLE. Yes, indeed, Mr. Willis.

Mr. WILLIS. Regarding your reference to Mark Berman and your theory surrounding the discharge, let me suggest to you that you may not be far wrong, because in this booklet which I have before me prepared by our investigators and given to us, in all seriousness here is the way that man is characterized: "Subject is reported to be the chief of police for the Communist Party in Milwaukee, Wis."

Mr. DOYLE. Thank you, Mr. Willis.

Have you anything else from this witness, Mr. Tavenner?

Mr. TAVENNER. No, sir.

Mr. DOYLE. I think I ought to ask this so that the record will be clear. I have never talked with this witness in my life. I do not know what his answer will be.

Have you received any emolument or compensation or pay, or the promise of anything for testifying as you have before this committee?

Mr. SNYDER. None whatsoever.

Mr. DOYLE. You have not been promised any money in the future or any consideration, financial or property of any sort?

Mr. SNYDER. None whatsoever.

Mr. DOYLE. Thank you.

The witness is excused, with our thanks. [Applause.]

(Witness excused.)

Mr. DOYLE. The committee will stand in recess until 1:15 p. m.

(Whereupon, at 12:20 the hearing was recessed to reconvene at 1:15 the same day.)

AFTERNOON SESSION

Mr. DOYLE. The committee will reconvene at 1:35.

Let the record please show that the committee members of the subcommittee present are Representative Willis from Louisiana, on my right; and I am Representative Doyle from California. Mr. Scherer, the third member of the subcommittee, is temporarily absent. Under the rules of the House the two of us being present is a legal quorum of the three. Therefore, we will proceed.

Are you ready, Mr. Tavenner?

Mr. TAVENNER. Yes, sir.

Mr. Otis Daigle, will you come forward?

Mr. DOYLE. Mr. Daigle, will you please rise and be sworn?

Mr. TAVENNER. May I ask him a question before you swear him?

Mr. DAIGLE. Your Honor, may I object to these pictures being taken?

Mr. DOYLE. Yes; we will ask the press, as long as the witness has objected, to please desist from taking them.

STATEMENT OF OTIS DAIGLE

Mr. TAVENNER. I want to ask you a question or two before you are sworn if you will sit down a moment, please. You were subpoenaed this morning to appear here, Mr. Daigle. A few minutes ago after I returned from lunch I had the investigator find you in the corridor and bring you back here in order to inform you what this was about. I told you that there has been testimony involving you here, and I told you you were entitled to counsel, did I not?

Mr. DAIGLE. Yes, sir.

Mr. TAVENNER. I suggested that you if you could, on this short notice, obtain service of counsel, and you said you would leave and see if you could. So, before going any further I want to find out whether you have obtained counsel?

Mr. DAIGLE. No; I have not. I haven't been able to get anybody yet.

Mr. TAVENNER. Well, you are entitled to have counsel, and in addition to that the rule of the committee is that you cannot be compelled to testify within 24 hours from the time of the service of the subpoena on you.

If you prefer more time to get counsel it is perfectly all right.

Mr. DAIGLE. I would prefer to have counsel.

MR. TAVENNER. I am glad you prefer to have counsel.

The situation of the committee, however, is such that it is terminating this hearing today. Do you think you could obtain counsel within the next 15 or 20 minutes, or do you need more time?

MR. DAIGLE. I think I would.

MR. TAVENNER. You think you would need more time?

MR. DAIGLE. Oh, yes.

MR. TAVENNER. Mr. Chairman, in light of this situation may I make a suggestion for your consideration?

MR. DOYLE. Yes, Mr. Tavenner.

MR. TAVENNER. I suggest that this witness should be notified as all witnesses have been by the original statement made by the chairman of the subcommittee when we started the hearings, namely that any person whose name has been adversely used in connection with this hearing has a right to come forward and testify.

You have the right to do that now if you choose. I mean, you have a right to offer any explanation of the testimony that you may desire.

On the other hand, in this instance we subpoenaed you and the committee feels that it should not require you to be heard without counsel unless you want to be.

Now, having decided that you have not had time to get counsel of your choice, I think, Mr. Chairman, that probably the procedure we should adopt is that which the committee has had in effect for a long time. That is just to permit this witness to either appear at some future time and testify if he desires to; on the other hand if he wants to submit a written statement to the committee under oath, that we accept that written statement and determine after receiving it whether or not we want to go further and question him.

MR. DOYLE. Are you sure you heard what our legal counsel said?

MR. DAIGLE. Yes.

MR. DOYLE. And you understand that we are not going to ask you to testify without a lawyer being here to advise you of your constitutional rights. You have stated that you feel you probably could not get a lawyer in the short time. That being the case, and because we always want a witness to be advised of his constitutional rights, and because we are adjourning this afternoon, nevertheless we felt, sir, that as an American citizen, you having been named, I think twice in the last day or two by former Communists, as a member of the Communist Party in Milwaukee—may I stand corrected. Has he been named twice?

MR. TAVENNER. Yes, sir; that is true.

MR. DOYLE. You have been identified twice in the last day or two by former Communists, admitted Communists who left the party, stating that you were a Communist in Milwaukee.

MR. DAIGLE. May I ask by who?

MR. DOYLE. Will you please state which witnesses so testified?

MR. TAVENNER. Mr. Merle Snyder and Mr. Michael Ondrejka.

MR. WILLIS. Mr. Chairman, I think what the counsel has said is simply carrying out our rules of fair play. That is all there is to that. I think this invitation for you to request an opportunity to appear or to send us a written statement under oath is a privilege we are giving you, sir, and a privilege we are now offering to anybody who wants to exercise it. That is in the spirit of the rules of our committee.

So what applies to you, simply applies to everybody else in your situation.

Mr. DOYLE. Thank you, Mr. Willis.

In other words, I brought out the reason that you have been named by these two former Communists as a Communist in Milwaukee, and you have been told which two former Communists did name you as a Communist Party member in Milwaukee so that if you elect to appear before us at a later date or to send us a sworn statement before a notary public, either denying or affirming or explaining, we feel then, that we as members of the United States Congress have done our duty by you as an American citizen under the rules of our committee.

Unless you choose to get a lawyer within the next short time and reappear before this committee with your counsel who is entitled to advise you of your constitutional rights under the circumstances, we are going to dismiss you from the subpoena. It was the only way we had to get you in here today to give you this opportunity. We felt you should have the opportunity because, manifestly, the testimony that you were a member of the Communist Party here by these two former Communists might tend to hurt you in some way. We wanted to give you every opportunity to answer that sort of testimony.

So it is up to you, sir, from here on. You are dismissed from the subpoena as far as this committee is concerned. We will not be a party to having you in any way embarrassed or limited by the fact that you have not had the chance to get a lawyer of your own choice.

Is that clear to you?

Mr. DAIGLE. Yes, sir.

Mr. DOYLE. We are giving you an invitation to appear at your own volition later or to send us a sworn statement. In saying that I am not saying that we are binding ourselves to not call you at some later date if we feel that the ends of the welfare of our Nation demand it. We are not waiving our rights in any way to resubpoena you at a later date if we feel it is in the interests of the protection of our national security to do so.

Thank you very much for coming so promptly.

(Witness excused.)

Mr. TAVENNER. Mr. Chairman, that is all that the staff has to present to the committee at this time.

Mr. DOYLE. With those words from our distinguished legal counsel it becomes my duty and privilege to just say a few words in terminating the hearings for these 3 days.

We are finishing a few hours ahead of the time in which we thought we might be able to finish.

On behalf of the committee, I wish to say a few words. First, we wish to reiterate and repeat very sincerely the committee's appreciation of the many courtesies and very tangible acts of cooperation and courtesy and understanding which have been extended us by all the public officials of Milwaukee and of the State of Wisconsin upon whom we have had to make any call or request any cooperation. They have not waited until we have had to ask for it. They have offered it. We appreciate that very much.

Secondly, on behalf of the committee I want to again thank all the members of the Milwaukee press, the newspapers. They have been wonderful in their understanding and interpretation and their accu-

rate reporting, and their photographers have been most courteous and cooperative.

Then the radio stations here in Milwaukee, the men that have recorded the voices of the witnesses and of counsel and of the committee, and the television stations, too, have been most understanding because we have a rule, of course, that the committee in action shall not be televised. It has all be very orderly and understanding.

You visitors and guests of the committee in the courtroom, not only you folks that are here today, but those who were here yesterday and the day before, and are not here now, have been most understanding and cooperative, and we as American Congressmen appreciate that because you have helped us here and have helped us do our work more efficiently.

The courtroom has been crowded every day with all seats occupied and dozens of you standing up and sitting in the window ways.

I think in behalf of the committee if I said anything more it would just be 2 or 3 brief points. We say this to you out of our experience as we have traveled over this Nation in many of the large cities. More than you ever have before; step up your patriotic vigilance and cooperation with all of your local law enforcement officers and personnel, Federal, State, local, in this field of subversive activity.

Second, we want to urge the labor unions, the patriotic orders, the church groups, the young people's groups in the churches and elsewhere, the community committees, the welfare committees both governmental and volunteer, the school and educational agencies both public and private, to be very much aware of the fact that the Communist Party conspirators and nonpatriotic citizens will try to infiltrate those groups, especially, and get control of them secretly.

We want to urge you folks at the local level to more fully than ever discharge your local responsibility to yourself, your great Nation, your great State, and your lovely Milwaukee.

I have been asked several times here in the last 3 days why we do not forget and just omit to call some of these people who several years ago were members of the Communist Party. Therefore, I feel it appropriate to just make a brief remark.

You have heard me mention the Duclos letter. That probably was the dividing line, the dividing date between the ability and the probability of our great system of free competitive enterprise, the American way of life and the Soviet system to get along and understand sufficiently, to have an enduring peace, because when the Duclos letter came to this country in April or May 1945 it made it clear that, as far as the Communist conspiracy was concerned, there was no chance for the United States of America to survive in the same world with the Soviet conspiracy.

So, very briefly I want to comment that it just seems to me that any American citizen who joined the Communist Party after April or May 1945 might well have done it with his or her eye open to the fact that the Duclos letter, which was widely publicized in our Nation, laid down as the fundamental premise, that the United States of America could not survive in the same world with the Soviet conspiracy; and certainly if you allow any uninformed American citizen or any American citizen who intended to be patriotic to the United States first 1, 2, 3 or 4 years after the Duclos letter in 1945, which was

the same time that Earl Browder was kicked out of the chairmanship of the Communist Party, to get his or her eyes open, then it seems to me as an American congressman—and I think to the committee and to all Members of Congress—that certainly any person now, since 1950 especially, stays in the Communist Party with his or her eyes open knowing that it is a conspiracy designed to use force and violence whenever they think the time is ready. I do not think that we Members of Congress have much patience with such American citizens.

Now, my last remark and suggestion to you is that you have heard these witnesses testify that the Communist Party was actively after the young people of our Nation. Certainly they are wise in trying to get the American youth. If they get the youth they get the Nation. Thank God they have not succeeded very much yet.

Therefore, I think we three members who are visitors here with you will say to you in closing that whatever you are going to give your country, give to it every day.

We have had many courtesies and I thank you very much on behalf of the committee.

The committee stands in dismissal as far as these hearings are concerned.

(Whereupon, at 2 p. m., Wednesday, March 30, 1955, the committee adjourned subject to call of the Chair.)

INVESTIGATION OF COMMUNIST ACTIVITIES IN THE MILWAUKEE, WIS., AREA

TUESDAY, MAY 3, 1955

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE OF THE COMMITTEE
ON UN-AMERICAN ACTIVITIES,
Washington, D. C.

EXECUTIVE SESSION ¹

The subcommittee met at 4:10 p. m., pursuant to notice, in room 227 of the House Office Building, Hon. Clyde Doyle (chairman of the subcommittee) presiding.

Committee members present: Representatives Clyde Doyle (chairman), Edwin E. Willis, and Gordon H. Scherer.

Staff members present: Thomas W. Beale, chief clerk, Frank S. Tavenner, Jr., counsel, and W. Jackson Jones, investigator.

Mr. DOYLE. Let the record show that the same subcommittee, by virtue of the authority designating us, by Chairman Walter of the full committee, sits today, Mr. Willis of Louisiana, Mr. Scherer of Ohio, and Mr. Doyle, acting as chairman, of California; this being the same subcommittee that sat in the subcommittee hearings in Milwaukee.

Are you ready, Mr. Tavenner?

The witness will please stand and be sworn.

Do you solemnly swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

Mrs. RASMUSSEN. I do.

Mr. DOYLE. Will you be seated.

TESTIMONY OF MRS. DARINA RASMUSSEN, ACCOMPANIED BY COUNSEL, M. MICHAEL ESSIN

Mr. TAVENNER. What is your name, please?

Mrs. RASMUSSEN. Darina Rasmussen.

Mr. TAVENNER. Mrs. Rasmussen, it is noted you are accompanied by counsel. Counsel will please identify himself for the record.

Mr. ESSIN. Counsel for Mrs. Rasmussen is M. Michael Essin, 623 North Second Street, Milwaukee, Wis.

Mr. TAVENNER. When and where were you born, Mrs. Rasmussen?

Mrs. RASMUSSEN. I was born on August 21, 1913, at East St. Louis, Ill.

Mr. TAVENNER. What was your maiden name?

Mrs. RASMUSSEN. Morlac.

Mr. TAVENNER. Where do you now reside?

¹ Released by the committee.

Mrs. RASMUSSEN. 3901 Barnard Avenue, Cudahy.

Mr. TAVENNER. How long have you lived there?

Mrs. RASMUSSEN. My family moved to Cudahy in 1917, and lived in Cudahy up until 1939, and I got married and then after my husband's passing, I moved back to Cudahy in 1952.

Mr. TAVENNER. What is your employment?

Mrs. RASMUSSEN. I am the office secretary of the UE ^{1a} Local 1111.

Mr. TAVENNER. Where are you employed in that work, at what place?

Mrs. RASMUSSEN. At the union office, at 233 West Greenfield Avenue. Milwaukee.

Mr. TAVENNER. How long have you been so employed?

Mrs. RASMUSSEN. It will be 3 years June 15.

Mr. TAVENNER. So you became employed there June 15, 1952?

Mrs. RASMUSSEN. That is right.

Mr. TAVENNER. What was your employment prior to that time?

Mrs. RASMUSSEN. I worked for the Wisconsin Title Guaranty Co., and I started working there sometime in January of 1952, up until the time I started working at the UE Local 1111 office.

Mr. TAVENNER. Will you tell the committee, please, what your formal educational training has been?

Mrs. RASMUSSEN. I am a graduate of the Washington School, grade school, in Cudahy and a graduate of the Cudahy High School.

Mr. TAVENNER. Are you acquainted with a person by the name of Jerry Rose?

(Witness conferred with counsel.)

Mrs. RASMUSSEN. I refuse to answer that; I assert the privilege not to testify against myself.

Mr. TAVENNER. Are you acquainted with a person by the name of Michael J. Ondrejka?

Mrs. RASMUSSEN. I refuse to answer that; I assert the privilege not to testify against myself.

Mr. TAVENNER. Mr. Ondrejka testified during the course of the hearings conducted by this committee in Milwaukee on March 29, 1955. In the course of his testimony he stated that in February and March of 1953 he conducted a tax service in local 1111 union office. Do you recall his having engaged in work of that kind in your union office?

(Witness conferred with counsel.)

Mrs. RASMUSSEN. I refuse to answer that, and I assert the privilege not to testify against myself.

Mr. TAVENNER. In the course of Mr. Ondrejka's testimony, he also stated that while engaging in that type of work there, Jerry Rose came into the office, and that Jerry Rose was not affiliated in any way with your union. Do you recall Jerry Rose having come into the office?

(Witness conferred with counsel.)

Mr. TAVENNER. At any time in February or March of 1953?

Mrs. RASMUSSEN. I refuse to answer that, and I assert the privilege not to testify against myself.

Mr. TAVENNER. Mr. Ondrejka further testified that Mr. Rose, when he came there, called for you, that is, asked if you were there; and he, Mr. Ondrejka, advised him that you were. Did that occur, to your knowledge?

^{1a} Reference to United Electrical, Radio, and Machine Workers of America.

Mrs. RASMUSSEN. I refuse to answer that; I assert the privilege not to testify against myself.

Mr. DOYLE. I think, Mr. Tavenner, I should suggest this to the witness and counsel, that we as a committee are not familiar with any privilege that you can assert unless it is some constitutional privilege, and you have not mentioned whether it is a constitutional privilege or what it is, or the portion of the Constitution on which you rely.

Mrs. RASMUSSEN. The fifth amendment.

Mr. DOYLE. So that the record will be clear, may I ask whether or not each time that you have asserted your privilege, you referred to the exercising of the privilege under the fifth amendment of the United States Constitution?

Mrs. RASMUSSEN. Yes; that is correct.

Mr. SCHERER. Is any of the testimony of Ondrejka that has been referred to with reference to you or the person, Rose, false?

(Witness conferred with counsel.)

Mrs. RASMUSSEN. I refuse to answer that, and I assert the privilege not to testify against myself, the fifth amendment.

Mr. TAVENNER. Were you acquainted with John Killian?

Mrs. RASMUSSEN. John Killian was a member of UE Local 1111 and a former steward in that local.

Mr. TAVENNER. Was he employed at the plant of Allen-Bradley Co. in 1953?

Mrs. RASMUSSEN. I am not certain, but to my knowledge, I suppose it is true.

Mr. TAVENNER. Mr. Ondrejka testified that there was a group or cell of the Communist Party organized within Allen-Bradley where Mr. Killian and he were employed. His testimony on that subject is as follows:

Now, in April 15 of 1953, give or take a couple of days, at a cell meeting, we were told by John Killian, who was the chairman of my cell, that he had discussed the matter with Jerry Rose; and I believe the bundle of the special edition of the May Day Daily Worker that we were to take was 100; and the reason why he would have discussed this with Jerry Rose was this: When we set up this cell, all activity was to funnel down from Jerry Rose to the chairman of the cell. He was to meet weekly with the South Side division leader in order to prepare an agenda which was a written agenda.

On this particular occasion we had decided to send a copy of the special edition, the May 1 edition of the Daily Worker, or the May Day edition of the Daily Worker to all the stewards. At that time we chipped in, the paper itself was paid for out of funds from the group, the Allen-Bradley cell, but the postage was to be made up by members of the group. I paid my postage that morning.

Now, at the end of this meeting I had told John Killian that I would be glad to sit there the rest of the morning with him, that we might go through a telephone directory and get the names of the stewards that we would have a mailing list to send them to. He said, "That isn't necessary because I will go to the union office and get them from one certain individual." He said to me, "In case you didn't know it, this individual is the fifth member of our cell," and he asked if I was surprised; and the reason I remember is because he asked that question, and I said, "No, I suspected it the day Jerry Rose was in the office."

Did Mr. Killian acquire from you a list of stewards from the union office or from any other place?

Mrs. RASMUSSEN. I refuse to answer that; I assert the privilege not to testify against myself; the fifth amendment.

Mr. DOYLE. I will instruct the witness to answer that question. She has identified John Killian as the man she knew.

(Witness conferred with counsel.)

Mrs. RASMUSSEN. I refuse to answer the question, and I assert the privilege not to testify against myself; the fifth amendment.

Mr. TAVENNER. I then asked Mr. Ondrejka this question:

The person whose name he gave you as being the undisclosed member of your cell was actually the person that Rose had visited in the union office?

Mr. Ondrejka's reply was:

That is correct, sir.

Another question:

Now, you have not mentioned the name of that individual?

Mr. ONDREJKA. I do not mention this person's name because of the fact that I was told by Jerry Rose at the first meeting it was an undisclosed fifth. I was told by John Killian, who the member was but because of the fact that this member worked on days while we held our meetings at 8 o'clock in the morning, John Killian said that he would take the agenda which was written, plus the discussion notes that resulted from the meeting, and he would go down early in the afternoon before work and brief this individual on it.

Now, I distinctly remember many times where the following week Agnes Slater was dropped from our group because of the fact that now this individual was a formal member that I knew of.

Under instructions from the committee, Mr. Ondrejka did not publicly identify that individual because of it being hearsay testimony. However, in executive session before this committee Mr. Ondrejka did identify that individual as you.

Were you a member of a group of the Communist Party of which John Killian was a member?

(Witness conferred with counsel.)

Mrs. RASMUSSEN. I refuse to answer that question; I assert the privilege not to testify against myself, and invoke the fifth amendment.

Mr. SCHERER. Did not you tell the investigator that served the subpoena on you that you were not a member of the Communist Party?

(Witness conferred with counsel.)

Mrs. RASMUSSEN. I refuse to answer; I assert the privilege not to testify against myself, the fifth amendment.

Mr. SCHERER. Did you make any statement to the investigator at all when he served the subpoena?

(Witness conferred with counsel.)

Mrs. RASMUSSEN. I refuse to answer; I assert the privilege of not testifying against myself, the fifth amendment.

Mr. SCHERER. If the investigator tells us that you did tell him that you were not a member of the Communist Party, would you say he was telling the truth or an untruth?

(Witness conferred with counsel.)

Mrs. RASMUSSEN. I refuse to answer that. I assert the privilege of not testifying against myself, the fifth amendment.

Mr. SCHERER. Is it not a fact that you told the investigator who served you with the subpoena to appear here today that you were not a member of the Communist Party?

Mrs. RASMUSSEN. I refuse to answer that, and I assert the privilege not to testify against myself, the fifth amendment.

Mr. SCHERER. I can only assume that you were not telling the truth to the investigator at the time, and hoped you might save yourself an appearance before this committee.

Mr. WILLIS. In order to complete the record, at the time you talked to the investigator, you, of course, were not under oath; is that correct? You are under oath now.

Mrs. RASMUSSEN. I refuse to answer that, and I assert the privilege not to testify against myself, the fifth amendment.

Mr. TAVENNER. Did Mr. John Killian come to your office in 1953 and discuss with you the agenda to be taken up with the Communist Party group composed of himself and others?

Mrs. RASMUSSEN. I refuse to answer that, and I assert the privilege not to testify against myself, the fifth amendment.

Mr. TAVENNER. Were you acquainted with Gloria Killian?

Mrs. RASMUSSEN. I refuse to answer that; I assert the privilege not to testify against myself, fifth amendment.

Mr. TAVENNER. Was Gloria Killian known to you to be a member of the Communist Party?

Mrs. RASMUSSEN. I refuse to answer that, and I assert the privilege of not to testify against myself, fifth amendment.

Mr. TAVENNER. Was Jerry Rose known to you to be a Communist Party functionary in Milwaukee in 1953?

Mrs. RASMUSSEN. I refuse to answer; I assert the privilege not to testify against myself, fifth amendment.

Mr. WILLIS. Why do you refuse to answer any acquaintanceship with Jerry Rose and others, when you just said that you do know John Killian? What is the difference?

Mrs. RASMUSSEN. I refuse to answer, and I assert the privilege not to testify against myself, fifth amendment.

Mr. SCHERER. You are not testifying against yourself if you testify as to Communist Party membership on the part of somebody else, and the fifth amendment does not permit you to refuse to testify as to another party's membership in the Communist Party or another party's criminal acts. It is only a protection to yourself.

(Witness conferred with counsel.)

Mr. TAVENNER. In going back now to your employment, I think that you said that you had been employed in an official capacity by the UE from June 15, 1952. Will you tell me again what the employment was in which you engaged prior to June 15, 1952?

Mrs. RASMUSSEN. I was a tax examiner for a title guaranty firm.

Mr. TAVENNER. What was the name of the firm?

Mrs. RASMUSSEN. It was the Wisconsin Title Guaranty Co.

Mr. TAVENNER. Located in the city of Milwaukee?

Mrs. RASMUSSEN. That is right.

Mr. TAVENNER. How long were you so employed?

Mrs. RASMUSSEN. For about half a year.

Mr. TAVENNER. During that period of time, were you a member of any union, while so employed?

Mrs. RASMUSSEN. No, I was not a member of any union.

Mr. TAVENNER. What was your employment before working in that capacity?

Mrs. RASMUSSEN. Well, I was a housewife from 1939, from the time I got married, up until the time my husband passed away. He passed away on October 30, 1951.

Mr. TAVENNER. Prior to 1939, what was your employment?

Mrs. RASMUSSEN. I was a power machine operator.

Mr. TAVENNER. Working for whom?

Mrs. RASMUSSEN. For the Chase Bag Co. in Milwaukee.

Mr. TAVENNER. How long were you so employed?

Mrs. RASMUSSEN. About 2 years, and I am not sure, but about that time I would say.

Mr. TAVENNER. Do you desire to bring before this committee any person whom we may question regarding their knowledge of matters which would throw light on the subject we have been discussing?

(Witness conferred with counsel.)

Mrs. RASMUSSEN. Well, I could discuss it with my counsel.

(Witness conferred with counsel.)

Mrs. RASMUSSEN. Would you repeat that question so that I can get it clearly?

Mr. ESSIN. I prefer on behalf of my client to have it on the record.

Mr. TAVENNER. The committee desires to give you an opportunity to give it the names of any witnesses you would like called for the purpose of the committee interrogating such individuals regarding the testimony of Mr. Ondrejka in his identification of you as having been a member of the Communist Party. My question is whether or not you desire that we subpoena any witnesses for that purpose.

(Witness conferred with counsel.)

Mr. WILLIS. The question is: Do you want that privilege? That is what it amounts to.

Mrs. RASMUSSEN. I will not accept the offer of the committee on that matter.

Mr. TAVENNER. I have no further questions.

Mr. DOYLE. Do you have any further questions?

Mr. WILLIS. Do you have any children?

Mrs. RASMUSSEN. Yes, sir; I have 2 children.

Mr. DOYLE. Any questions, Mr. Scherer?

Mr. SCHERER. You are employed by whom?

Mrs. RASMUSSEN. By the UE Local 1111.

Mr. SCHERER. In what capacity?

Mrs. RASMUSSEN. As an office secretary.

Mr. SCHERER. Are you a member of the Communist Party today?

(Witness conferred with counsel.)

Mrs. RASMUSSEN. I refuse to answer that question; I assert the privilege not to testify against myself, fifth amendment.

Mr. SCHERER. Have you ever been a member of the Communist Party?

Mrs. RASMUSSEN. I refuse to answer that, and I assert the privilege not to testify against myself, fifth amendment.

Mr. SCHERER. I have no further questions.

Mr. DOYLE. I have no questions.

The witness may be excused; and thank you.

(Witness excused.)

Mr. SCHERER. I move the testimony be released.

Mr. WILLIS. I second that motion.

Mr. DOYLE. I will join with you.

Therefore, let the record show that the subcommittee votes unanimously to recommend to the full committee that we release this testimony.

(Whereupon, at 4:40 p. m., the subcommittee recessed.)

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